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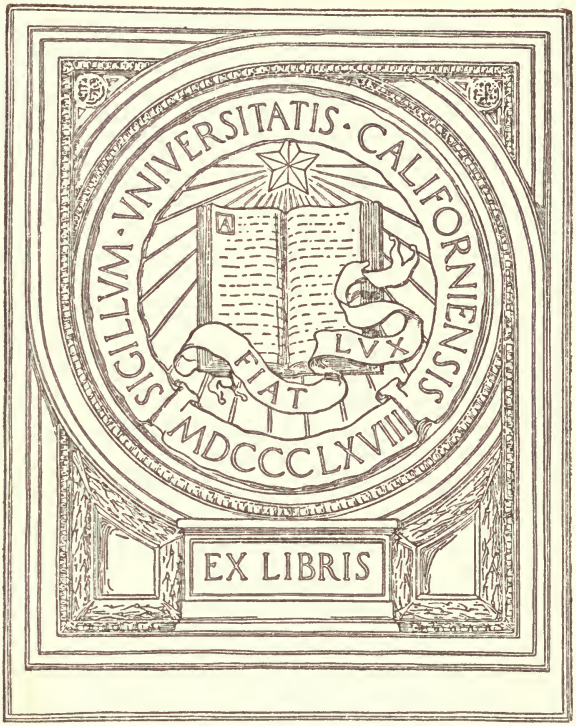
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AN

EXPOSITION

OF THE

CAUSES AND CHARACTER

OF THE

WAR

BETWEEN THE

UNITED STATES

AND

GREAT-BRITAIN.

CONCORD, N. H.

PRINTED BY ISAAC AND WALTER R. HILL.

1813.

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THE extravagant pretensions of the British commissioners at Ghent—their assertion of a right to interfere with the territorial dominion established at the peace of 1783—their attempt to assert that the Indians residing on our soil were entitled to form alliances, and be treated as a civilized people, under the laws of civil society to which the Indian tribes are strangers—the attempt to cut off a section of our territory, under the pretext of a road between Canada and Nova Scotia, for which there would be no need in peace, and which would afford them an inroad upon us during war—their occupancy of part of Massachusetts unmolested by the State authority—their known designs on Orleans: all these and other facts known to the government of the United States, left little prospect of a peace in the early part of the present year; it is believed that the government was apprized in the course of the last year, that peace could have been accomplished in August 1814, were it not for the *encouragement* which the British government received from three of the Eastern states to persevere in the war.—In these views, the Executive had determined to make a full and final appeal to the American people, and by presenting at one view to the country the causes and the progress of the war, shew the necessity of such mighty and efficient preparations for the campaign of this year, as would assure its successful and triumphant termination by the certain expulsion of the enemy from all his possessions on this continent. The measure proposed by the Secretary of War for raising 100,000 men, was part of this plan of vigorous measures; and a declaration or exposition was prepared to go to the public. This able paper was ready for publication, when the advices of a peace being concluded were received. A copy of it has accidentally fallen into the hands of the editor of the Aurora, and we think we can do no better service than give it to the public, as the best means of repelling the ribaldry issued by those whose chagrin is excited to the greatest extravagance by the successful and glorious termination of the war.

AN EXPOSITION.

WHATEVER may be the termination of the negociations at Ghent, the dispatches of the American commissioners, which have been communicated by the President of the United States to the Congress, during the present session, will distinctly unfold, to the impartial of all nations, the objects and dispositions of the parties to the present war.

The United States, relieved by the general pacification of the treaty of Paris, from the danger of actual sufferance, under the evils which had compelled them to resort to arms, have avowed their readiness to resume the relations of peace and amity with Great-Britain, upon the simple and single condition of preserving their territory and their sovereignty entire and unimpaired. Their desire of peace, indeed "upon terms of reciprocity, consistent with the rights of both parties, as sovereign and independent nations,"* has not, at any time, been influenced by the provocations of an unprecedented course of hostilities; by the incitements of a successful campaign; or by the agitations which have seemed again to threaten the tranquillity of Europe.

But the British government, after a "discussion with the government of America, for the conciliatory adjustment of the differences subsisting between the two states, with an earnest desire, on their part, (as it was alleged) to bring

*See Mr. Monroe's letter to lord Castlereagh, dated January 1814.

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them to a favorable issue, upon principles of a perfect reciprocity, not inconsistent with established maxims of public law, and with the maritime rights of the British empire,"* and after "expressly disclaiming any intention to acquire an increase of territory,"† have peremptorily demanded, as the price of peace, concessions calculated merely for their own aggrandizement, and for the humiliation of their adversary. At one time, they proposed, as their *sine qua non*, a stipulation, that the Indians, inhabiting the country of the United States, within the limits established by the treaty of 1783, should be included as the allies of Great Britain (a party to that treaty) in the projected pacification; and that definite boundaries should be settled for the Indian territory, upon a basis, which would have operated to surrender, to a number of Indians, not, probably, exceeding a few thousands, the rights of sovereignty, as well as of soil, over nearly one third of the territorial dominions of the United States, inhabited by more than one hundred thousand of its citizens.‡ And, more recently (withdrawing, in effect, that proposition) they have offered to treat on the basis of the *uti possidetis;* when, by

*See lord Castlereagh's letter to Mr. Monroe, dated the 4th of November 1813.

†See the American dispatch, dated the 12th August, 1814.

‡See the American dispatches, dated the 12th and 19th August, 1814; the note of the British commissioners, dated the 19th of August, 1814; the note of the American commissioners, dated the 21st day of August, 1814; the note of the British commissioners, dated the 4th of September, 1814; the note of the American commissioners of the 9th of September, 1814; the note of the British commissioners, dated the 19th of Sept. 1814; the note of the American commissioners, dated the 26th of Sept. 1814; the note of the British commissioners, dated the 8th of Oct. 1814; and the note of the American commissioners, of the 18th of October, 1814.

the operations of the war, they had obtained the military possession of an important part of the state of Massachusetts, which, it was known, could never be the subject of a cession, consistently with the honor and faith of the American government.* Thus it is obvious, that Great Britain, neither regarding "the principles of a perfect reciprocity," nor the rule of her own practice and professions, has indulged pretensions, which could only be heard, in order to be rejected. The alternative, either vindictively to protract the war, or honorably to end it, has been fairly given to her option; but she wants the magnanimity to decide, while her apprehensions are awakened, for the result of the congress at Vienna, and her hopes are flattered, by the schemes of conquest in America.

There are periods in the transactions of every country, as well as in the life of every individual, when self-examination becomes a duty of the highest moral obligation; when the government of a free people, driven from the path of peace, and baffled in every effort to regain it, may resort, for consolation, to the conscious rectitude of its measures, and when an appeal to mankind founded upon truth and justice, cannot fail to engage those sympathies, by which even nations are led to participate in the fame and fortunes of each other.—The United States, under these impressions, are neither insensible to the advantages, nor to the duties of their peculiar situation. They have but recently, as it were, established their independence; and the volume of their national history lies open, at a glance, to every eye.

*See the note of the British commissioners, dated the 21st of October, 1814; the note of the American commissioners, dated the 24th of October, 1814; and the note of the British commissioners, dated the 31st of October, 1814.

The policy of their government, therefore, whatever it has been, in their foreign as well as in their domestic relations, it is impossible to conceal; and it must be difficult to mistake. If the assertion, that it has been made a policy to preserve peace and amity with all the nations of the world, be doubted, the proofs are at hand. If the assertion, that it has been a policy to maintain the rights of the United States, but, at the same time, to respect the rights of every other nation, be doubted, the proofs will be found on record, even in the archives of England and of France. And if, in fine, the assertion, that it has been made a policy by all honorable means, to cultivate with Great-Britain, those sentiments of mutual good will, which naturally belong to nations connected by the ties of a common ancestry, an identity of language, and a similarity of manners, be doubted, the proofs will be found in that patient forbearance, under the pressure of accumulating wrongs, which marks the period of almost thirty years, that elapsed between the peace of 1783, and the rupture of 1812.

The United States had just recovered, under the auspices of their present constitution, from the debility which their revolutionary struggle had produced, when the convulsive movements of France excited throughout the civilized world the mingled sensations of hope and fear—of admiration and alarm. The interest which those movements, would in themselves, have excited, was incalculably increased, however, as soon as Great Britain became a party to the first memorable coalition against France, and assumed the character of a belligerent power, for it was obvious, that the difference of the scene would no longer exempt the United States from the influence, and the evils of the European conflict. On the one hand, their government was connected with

France, by treaties of alliance and commerce; and the services which that nation had rendered to the cause of American independence, had made such impressions upon the public mind, as no virtuous statesmen could rigidly condemn, and the most rigorous statemen would have sought in vain to efface. On the other hand, Great Britain leaving the treaty of 1783 unexecuted, forcibly retained the American posts upon the northern frontier; and, slighting every overture to place the diplomatic and commercial relations of the two countries, upon a fair and friendly foundation,* seemed to contemplate the success of the American revolution, in a spirit of unextinguishable animosity. Her voice had indeed been heard from Quebec and Montreal, instigating the savages to war.† Her invisible arm was felt, in the defeat of General Harmer‡ and General St. Clair,§ and even the victory of General Wayne‖ was achieved in the presence of a fort which she had erected, far within the territorial boundaries of the United States, to stimulate and countenance the barbarities of the Indian warrior.¶ Yet the American government, neither yielding to popular feeling, nor acting upon the impulse of national resentment, hastened to adopt the policy of a strict and steady neutrality; and solemnly announced that policy to the citizens at home, and to the nations abroad, by the proclamation of the 22d of April, 1793.—Whatever may have been the

*See Mr. Adams' correspondence.

†See the Speeches of Lord Dorchester.

‡On the waters of the Miami of the Lake, on the 21st Oct. 1790.

§At Fort Recovery, on the 4th November 1791.

‖On the Miami of the Lakes, in August, 1794.

¶See the correspondence between Mr. Randolph, the American secretary of State, and Mr. Hammond, the British plenipotentiary, dated May and June, 1794.

trials of its pride, and of its fortitude ; whatever may have been the imputations upon its fidelity, and its honor, it will be demonstrated in the sequel, that the American government, throughout the European contest, and amidst all the changes of the objects, and the parties that have been involved in that contest, have inflexibly adhered to the principles which were thus authoritively established, to regulate the conduct of the United States.

It was reasonable to expect that a proclamation of neutrality, issued under the circumstances which have been described, would command the confidence and respect of Great Britain, however offensive it might prove to France, as contravening essentially, the exposition which she was anxious to bestow on the treaties of commerce and alliance. But experience has shown, that the confidence and respect of Great Britain are not to be acquired, by such acts of impartiality and independence. Under every administration of the American government, the experiment has been made, and the experiment has been equally unsuccessful: for it was not more effectually ascertained in the year 1812, than at antecedent periods, that an exemption from the maritime usurpation, and the commercial monopoly, of Great Britain, could only be obtained upon the condition of becoming an associate, in her enmities and her wars. While the proclamation of neutrality was still in the view of the British minister, an order of the 8th of June, 1793, issued from the cabinet, by virtue of which, "all vessels loaded wholly, or in part, with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France," were required to be carried, forcibly into England ; and the cargoes were either to be sold there, or security was to be given, that they should be sold in the ports of a country only in

amity with his Britannic majesty.* The moral character of an avowed design, to inflict famine upon the whole of the French people, was, at that time properly estimated throughout the civilized world; and so glaring an infraction of neutral rights, as the British order was calculated to produce, did not escape the severities of diplomatic animadversion and remonstrance.—But this aggression was soon followed by another of a more hostile cast. In the war of 1756, Great Britain had endeavored to establish the rule, that neutral nations were not entitled to enjoy the benefits of a trade with the colonies of a belligerent power, from which, in the season of peace, they were excluded by the parent state.—The rule stands without positive support from any general authority on public law. If it be true, that some treaties contain stipulations, by which the parties expressly exclude each other from the commerce of their respective colonies: and if it be true, that the ordinances of a particular state often provide for the exclusive enjoyment of its colonial commerce; still Great Britain cannot be authorised to deduce the rule of the war of 1756, by implication, from such treaties and such ordinances, while it is not true, that the rule forms a part of the law of nations; nor that it has been adopted by any other government; nor that even Great Britain herself has uniformly practised upon the rule; since its application was unknown from the war of 1756, until the French war of 1792, including the entire period of the American war.—Let it be, argumentatively allowed, however, that Great Britain possessed the right, as well as the power, to revive and enforce the rule; yet, the time and the manner of exercising the power,

*See the order of the 8th of June, 1793, and the remonstrance of the American government.

would afford ample cause for reproach. The citizens of the United States had openly engaged in an extensive trade with the French islands, in the West Indies, ignorant of the alleged existence of the rule of the war of 1756, or unapprised of any intention to call it into action, when the order of the 6th of November, 1793, was silently circulated among the British cruizers, consigning to legal adjudication, "all vessels loaden with goods, the produce of any colony of France, or carrying provisions or supplies, for the use of any such colony."* A great portion of the commerce of the United States was thus annihilated at a blow; the amicable dispositions of the government were again disregarded and contemned, the sensibility of the nation was excited to a high degree of resentment, by the apparent treachery of the British order; and a recourse to reprisals, or to war, for indemnity and redress, seemed to be unavoidable. But the love of justice had established the law of neutrality; and the love of peace taught a lesson of forbearance. The American government, therefore, rising superior to the provocations and the passions of the day, instituted a special mission, to represent at the court of London, the injuries and the indignities which it had suffered, "to vindicate its rights with firmness, and to cultivate peace with sincerity."† The immediate result of this mission, was a treaty of amity, commerce, and navigation, between the United States and Great Britain, which was signed by the negociators on the 19th of November, 1794, and finally ratified, with the consent of the Senate, in the year 1795. But both the mission and its

*See the British orders of the 6th of Nov. 1793.

†See the president's message to the senate, of the 16th of April, 1794, nominating Mr. Jay as envoy extraordinary to his Britannic majesty.

result, serve, also, to display the independence and the impartiality of the American government, in asserting its rights and performing its duties, equally unawed and unbiassed by the instruments of belligerent power, or persuasion.

On the foundation of this treaty the United States, in a pure spirit of good faith and confidence, raised the hope and the expectation, that the maritime usurpations of Great Britain would cease to annoy them; that all doubtful claims of jurisdiction would be suspended; and that even the exercise of an incontestable right would be so modified, as to present neither insult, nor outrage, nor inconvenience, to their flag, or to their commerce. But the hope and the expectation of the United States have been fatally disappointed. Some relaxation in the rigor, without any alteration in the principle, of the order in council of the 6th of November, 1793, was introduced by the subsequent orders of the 8th of Jan. 1794, and the 25th Jan. 1798: but from the ratification of the treaty of 1794, until the short respite afforded by the treaty of Amiens, in 1802, the commerce of the United States continued to be the prey of British cruizers and privateers, under the adjudicating patronage of the British tribunals.—Another grievance, however, assumed at this epoch, a form and magnitude, which cast a shade over the social happiness, as well as the political independence of the nation. The merchant vessels of the United States were arrested on the high seas, while in the prosecution of distant voyages; considerable numbers of their crews were impressed into the naval service of Great Britain; the commercial adventures of the owners were often, consequently, defeated; and the loss of property, the embarrassments of trade and navigation, and the scene of domestic affliction, became intolerable. This grievance (which consti-

tutes an important surviving cause of the American declaration of war) was early, and has been incessantly, urged upon the attention of the British government. Even in the year 1792, they were told of "the irritation that it had excited; and of the difficulty of avoiding to make immediate reprisals on their seamen in the United States."* They were told "that so many instances of the kind had happened, that it was quite necessary that they should explain themselves on the subject, and be led to disavow and punish such violence, which had never been experienced from any other nation."† And they were told of "the inconvenience of such conduct, and of the impossibility of letting it go on, so that the British ministry should be made sensible of the necessity of punishing the past, and preventing the future."‡—But after the treaty of amity, commerce, and navigation, had been ratified, the nature and the extent of the grievance became still more manifest; and it was clearly and firmly presented to the view of the British government, as leading unavoidably to discord and war between the two nations. They were told, "that unless they would come to some accommodation which might ensure the American seamen against this oppression, measures would be taken to cause the inconvenience to be equally felt on both sides."§ They were told, "that the impressment of American citizens, to serve on board of British

*See the letter of Mr. Jefferson, secretary of state, to Mr. Pinkney, minister at London, dated 11th of June, 1792.

†See the letter from the same to the same, dated the 12th of October, 1792.

‡See the letter from the same to the same, dated the 6th of November, 1792.

§See the letter from Mr. Pinkney, minister at London, to the secretary of state, dated 13th March, 1793.

armed vessels, was not only an injury to the unfortunate individuals, but it naturally excited certain emotions in the breasts of the nation to whom they belong, and the just and humane of every country; and that an expectation was indulged that orders would be given, that the Americans so circumstanced, should be immediately liberated, and that the British officers should, in future, abstain from similar violences."* They were told, "that the subject was of much greater importance than had been supposed: and that, instead of a few, and those in many instances equivocal cases, the American minister at the court of London had, in nine months (part of the years 1796 and 1797) made applications for the discharge of two hundred and seventy-one seamen who had, in most cases, exhibited such evidence, as to satisfy him that they were real Americans, forced into the British service, and persevering, generally, in refusing pay and bounty."† They were told, "that if the British government had any regard to the rights of the United States, any respect for the nation, and placed any value on their friendship, it would facilitate the means of relieving their oppressed citizens."‡ They were told "that the British naval officers often impressed Swedes, Danes and other foreigners, from the vessels of the United States; that they might, with as much reason, rob American vessels of the property or merchandize of Swedes, Danes and Portuguese, as seize and detain in

*See the note of Mr. Jay, envoy extraordinary, to Lord Grenville, dated the 30th July, 1794.

†See the letter of Mr. King, minister at London, to the secretary of State, dated the 13th of April, 1797.

‡See the letter from Mr. Pickering, secretary of State, to Mr. King, minister at London, dated the 10th of September, 1796.

their service, the subjects of those nations found on board of American vessels; and that the president was extremely anxious to have this business of impressing placed on a reasonable footing."* And they were told, "that the impressment of American seamen was an injury of very serious magnitude, which deeply affected the feelings and honor of the nation; that no right had been asserted to impress the natives of America; yet, that they were impressed; they were dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve, until conclusive testimonials of their birth could be obtained; that many must perish unrelieved, and all were detained a considerable time in lawless and injurious confinement; that the continuance of the practice must inevitably produce discord between two nations which ought to be friends of each other; and that it was more advisable to desist from, and to take effectual measures to prevent an acknowledged wrong, than by persevering in that wrong, to excite against themselves the well-founded resentments of America, and force the government into measures, which may very possibly terminate in an open rupture."†

Such were the feelings and the sentiments of the American government, under every change of its administration, in relation to the British practice of impressment; and such the remonstrances addressed to the justice of Great-Britain. It is obvious, therefore, that this cause, independent of every other, has been uniformly deemed a just and certain cause of war; yet the charac-

*See the letter from the same to the same, dated the 26th of October, 1796.

†See the letter from Mr. Marshall, secretary of State, (now chief-justice of the United States) to Mr. King, minister at London, dated the 20th Sept. 1800.

teristic policy of the United States still prevailed: remonstrance was only succeeded by negociation; and every assertion of American rights, was accompanied with an overture, to secure, in any practicable form, the rights of Great Britain.* Time seemed, however, to render it more difficult to ascertain and fix the standard of the British rights, according to the succession of the British claims. The right of entering and searching an American merchant ship, for the purpose of impressment, was, for a while, confined to the case of British deserters; and even so late as the month of February, 1800, the minister of his Britannic majesty, then at Philadelphia, urged the American government "to take into consideration, as the only means of drying up every source of complaint, and irritation, upon that head, a proposal which he had made two years before, in the name of his majesty's government, for the reciprocal restitution of deserters."† But this project of a treaty was then deemed inadmissible, by the president of the United States, and the chief officers of the executive departments of the government, whom he consulted, for the same reason, specifically, which, at a subsequent period, induced the president of the United States, to withhold his approbation from the treaty negociated by the American ministers at London, in the year 1806; namely, "that it did not sufficiently provide against the impressment of A-

*See, particularly, Mr. King's propositions to lord Grenville, and lord Hawkesbury, of the 13th April, 1797, the 15th of March, 1799, the 25th of February, 1801, and in July, 1803.

†See Mr. Liston's note to Mr. Pickering, the secretary of state, dated the 4th of February, 1800.

merican seamen ;"* and " that it is better to have no article, and to meet the consequences, than not to enumerate merchant vessels on the high seas, among the things not to be forcibly entered in search of deserters."† But the British claim, expanding with singular elasticity, was soon found to include a right to enter American vessels on the high seas, in order to search for and seize all British seamen ; it next embraced the case of every British subject ; and finally, in its practical enforcement, it has been extended to every mariner, who could not prove, upon the spot, that he was a citizen of the United States.

While the nature of the British claim was thus ambiguous and fluctuating, the principle to which it was referred, for justification and support, appeared to be, at once, arbitrary and illusory. It was not recorded in any positive code of the law of nations ; it was not displayed in the elementary works of the civilian ; nor had it ever been exemplified in the maritime usages of any other country, in any other age. In truth, it was the offspring of the municipal law of Great Britain alone ; equally operative in a time of peace, and in a time of war ; and, under all circumstances, inflicting a coercive jurisdiction, upon the commerce and navigation of the world.

For the legitimate rights of the belligerent powers, the United States had felt and evinced a sincere and open respect. Although they had marked a diversity of doctrine among the most

*See the opinion of Mr. Pickering, secretary of state, enclosing the plan of a treaty, dated the 3d of May, 1800, and the opinion of Mr Wolcott, secretary of the treasury, dated the 14th April, 1800.

†See the opinion of Mr. Stoddert, secretary of the navy, dated the 23d April, 1800, and the opinions of Mr. Lee, attorney-general, dated the 26th of February, and the 30th April, 1800.

celebrated jurists, upon many of the litigated points of the law of war; although they had formerly espoused, with the example of the most powerful government of Europe, the principles of the armed neutrality, which were established in the year 1780, upon the basis of the memorable declaration of the empress of all the Russias; and although the principles of that declaration have been incorporated into all their public treaties, except in the instance of the treaty of 1794; yet, the United States, still faithful to the pacific and impartial policy which they professed, did not hesitate, even at the commencement of the French revolutionary war, to accept and allow the exposition of the law of nations, as it was then maintained by Great Britain; and, consequently, to admit, upon a much contested point, that the property of her enemy, in their vessels, might be lawfully captured as prize of war.* It was, also, freely admitted, that a belligerent power had a right with proper cautions, to enter and search American vessels, for the goods of an enemy, and for articles contraband of war; that, if upon a search such goods or articles were found, or if, in the course of the search, persons in the military service of the enemy were discovered, a belligerent had a right of transshipment and removal; that a belligerent had a right, in doubtful cases, to carry American vessels to a convenient station, for further examination; and that a belligerent had a right to exclude American vessels from ports and places, under the blockade of an adequate naval force. These rights the law

*See the correspondence of the year 1792, between Mr. Jefferson, secretary of State, and the ministers of Great Britain and France. See also Mr. Jefferson's letter to the American minister at Paris, of the same year, requesting the recall of Mr. Genet.

of nations might, reasonably, be deemed to sanction; nor has a fair exercise of the powers necessary for the enjoyment of these rights, been, at any time, controverted, or opposed, by the American government.

But it must be again remarked, that the claim of Great Britain was not to be satisfied, by the most ample and explicit recognition of the law of war; for, the law of war treats only of the relations of a belligerent to his enemy, while the claim of Great Britain embraced, also, the relations between a sovereign and his subjects. It was said, that every British subject was bound by a tie of allegiance to his sovereign, which no lapse of time, no change of place, no exigency of life, could possibly weaken or dissolve. It was said, that the British sovereign was entitled, at all periods, and on all occasions, to the services of his subjects. And it was said, that the British vessels of war upon the high seas, might lawfully and forcibly enter the merchant vessels of every other nation (for the theory of these pretensions is not limited to the case of the United States, although that case has been, almost exclusively, affected by their practical operation) for the purpose of discovering and impressing British subjects.* The United States presume not to discuss the forms, or the principles, of the governments established in other countries. Enjoying the right and the blessing of self-government, they leave, implicitly, to every foreign nation, the choice of its social and political institutions. But, whatever may be the form, or the principle, of government, it is an universal axiom of public law, among sovereign and independent states, that every nation is bound so to use and enjoy its

*See the British declaration of the 10th of January, 1813.

own rights, as not to injure, or destroy, the rights of any other nation. Say then, that the tie of allegiance cannot be severed, or relaxed, as respects the sovereign and the subject; and say, that the sovereign is, at all times, entitled to the services of the subject; still, there is nothing gained, in support of the British claim, unless it can, also, be said, that the British sovereign has a right to seek and seize his subject, while actually within the dominion, or under the special protection, of another sovereign state. This will not, surely, be denominated a process of the law of nations, for the purpose of enforcing the rights of war; and if it shall be tolerated as a process of the municipal law of Great Britain, for the purpose of enforcing the right of the sovereign to the service of his subjects, there is no principle of discrimination, which can prevent its being employed in peace, or in war, with all the attendant abuses of force and fraud, to justify the seizure of British subjects for crimes, or for debts, and the seizure of British property, for any cause that shall be arbitrarily assigned. The introduction of these degrading novelties, into the maritime code of nations, it has been the arduous task of the American government, in the onset, to oppose; and it rests with all other governments to decide, how far their honor and their interests must be eventually implicated, by a tacit acquiescence, in the successive usurpations of the British flag. If the right claimed by Great-Britain be, indeed, common to all governments, the ocean will exhibit, in addition to its many other perils, a scene of everlasting strife and contention; but what other government has ever claimed or exercised the right? If the right shall be exclusively established as a trophy of the naval superiority of Great-Britain, the ocean, which has been sometimes emphatically denominated,

"the high-way of nations," will be identified in the occupancy and use, with the dominions of the British crown; and every other nation must enjoy the liberty of passage, upon the payment of a tribute for the indulgence of a licence: but what nation is prepared for this sacrifice of its honor and its interests? And if, after all, the right be now asserted (as experience too plainly indicates) for the purpose of imposing on the United States, to accommodate the British maritime policy, a new and odious limitation of the sovereignty and independence, which were acquired by the glorious revolution of 1776, it is not for the American government to calculate the duration of a war, that shall be waged, in resistance of the active attempts of Great Britain, to accomplish her project: for where is the American citizen, who would tolerate a day's submission, to the vassalage of such a condition?

But the American government has seen, with some surprise, the gloss, which the prince regent of Great-Britain, in his declaration of the 10th of January, 1813. has condescended to bestow upon the British claim of a right to impress men, on board the merchant vessels of other nations; and the retort, which he has ventured to make, upon the conduct of the United States, relative to the controverted doctrines of expatriation. The American government, like every other civilized government, avows the principle, and indulges the practice, of naturalizing foreigners. In Great Britain, and through the continent of Europe, the laws and regulations upon the subject, are not materially dissimilar, when compared with the laws and regulations of the United States. The effect, however, of such naturalization, upon the connexion, which previously subsisted, between the naturalized person, and the government of the country of his birth, has been

differently considered, at different times, and in different places. Still, there are many respects, in which a diversity of opinion does not exist, and cannot arise. It is agreed, on all hands, that an act of naturalization is not a violation of the law of nations; and that, in particular, it is not in itself an offence against the government, whose subject is naturalized. It is agreed, that an act of naturalization creates, between the parties, the reciprocal obligations of allegiance and protection. It is agreed, that while a naturalized citizen continues within the territory and jurisdiction of his adoptive government, he cannot be pursued, or seized, or restrained, by his former sovereign. It is agreed, that a naturalized citizen, whatever may be thought of the claims of the sovereign of his native country, cannot lawfully be withdrawn from the obligations of his contract of naturalization, by the force or seduction of a third power. And it is agreed, that no sovereign can lawfully interfere, to take from the service, or the employment, of another sovereign, persons who are not the subjects of either of the sovereigns engaged in the transaction. Beyond the principles of these accorded propositions, what have the United States done to justify the imputation of "harboring British seamen and of exercising an assumed right, to transfer the allegiance of British subjects?"* The United States have, indeed, insisted upon the right of navigating the ocean in peace and safety, protecting all that is covered by their flag, as on a place of equal and common jurisdiction to all nations; save where the law of war interposes the exceptions of visitation, search and capture; but in doing this, they have done no wrong. The Unit-

*See the British declaration of the 10th of January, 1813.

ed States, in perfect consistency, it is believed, with the practice of all belligerent nations, not even excepting Great Britain herself, have, indeed, announced a determination, since the declaration of hostilities, to afford protection, as well to the naturalized, as to the native citizen, who, giving the strongest proofs of fidelity, should be taken in arms by the enemy; and the British cabinet well know that this determination could have no influence upon those councils of their sovereign, which preceded and produced the war. It was not, then, to "harbor British seamen," nor to "transfer the allegiance of British subjects;" nor to "cancel the jurisdiction of the legitimate sovereign;" nor to vindicate "the pretensions that acts of naturalization, and certificates of citizenship, were as valid out of their territory, as within it;"* that the United States have asserted the honor and the privilege of their flag, by the force of reason and of arms. But it was to resist a systematic scheme of maritime aggrandizement, which, prescribing to every other nation the limits of a territorial boundary, claimed for Great Britain the exclusive dominion of the seas; and which, spurning the settled principles of the law of war, condemned the ships and mariners of the United States, to suffer, upon the high seas, and virtually within the jurisdiction of their flag, the most rigorous dispensations of the British municipal code, inflicted by the coarse and licentious hand of a British press gang.

The injustice of the British claim, and the cruelty of the British practice, have tested, for a series of years, the pride and the patience of the American government: but, still, every experi-

*See these passages in the British declaration, of the 10th January, 1813.

ment was anxiously made, to avoid the last resort of nations. The claim of Great Britain, in its theory, was limited to the right of seeking and impressing its own subjects, on board of the merchant vessels of the United States, although in fatal experience, it has been extended (as already appears) to the seizure of the subjects of every other power, sailing under a voluntary contract with the American merchant; to the seizure of the naturalized citizens of the United States, sailing, also, under voluntary contracts, which every foreigner, independent of any act of naturalization, is at liberty to form in every country; and even to the seizure of the native citizens of the United States, sailing on board the ships of their own nation, in the prosecution of a lawful commerce. The excuse for what has been unfeelingly termed "partial mistakes, and occasional, abuse,"* when the right of impressment was practised towards vessels of the United States, is, in the words of the prince regent's declaration, "a similarity of language and manners," but was it not known, when this excuse was offered to the world, that the Russian, the Swede, the Dane, and the German; that the Frenchman, the Spaniard, and the Portuguese; nay, that the African, and the Asiatic; between whom and the people of Great Britain there exists no similarity of language, manners or complexion; had been, equally with the American citizen and the British subject, the victims of the impress tyranny.† If, however, the excuse be sincere, if the real object of the impressment be merely to secure to Great

*See the British declaration of the 10th of January, 1813.

†See the letter of Mr. Pickering, secretary of state, to Mr. King, minister at London, of the 26th of October, 1796; and the letter of Mr. Marshall, secretary of state, to Mr. King, of the 20th of September, 1800.

Britain, the naval services of her own subjects, and not to man her fleets, in every practicable mode of enlistment, by right, or by wrong; and if a just and generous government, professing mutual friendship and respect, may be presumed to prefer the accomplishment even of a legitimate purpose, by means the least afflicting and injurious to others, why have the overtures of the United States, offering other means as effectual as impressment, for the purpose avowed, to the consideration and acceptance of Great Britain, been forever eluded or rejected? It has been offered, that the number of men to be protected by an American vessel should be limited by her tonnage; that British officers should be permitted, in British ports, to enter the vessel in order to ascertain the number of men on board; and that in case of an addition to her crew, the British subjects enlisted should be liable to impressment.* It was offered in the solemn form of a law, that the American seamen should be registered; that they should be provided with certificates of citizenship,† and that the roll of the crew of every vessel should be formally authenticated.‡ It was offered, that no refuge or protection should be given to deserters; but, that, on the contrary, they

*See the letter of Mr. Jefferson, secretary of state, to Mr. Pinkney, minister at London, dated the 11th of June, 1792, and the letter of Mr. Pickering, secretary of state, to Mr. King, minister at London, dated the 8th of June, 1796.

†See the act of Congress, passed the 28th of May, 1796.

‡See the letter of Mr. Pickering, secretary of state, to Mr. King, minister at London, dated the 8th of June, 1796.

should be surrendered.* It was again & again offered to concur in a convention, which it was thought practicable to be formed, and which would settle the question of impressment, in a manner that would be safe for England, and satisfactory to the United States.† It was offered that each party should prohibit its citizens or its subjects from clandestinely concealing or carrying away, from the territories or colonies of the other, any seaman belonging to the other party.‡ And, conclusively, it has been offered and declared by law, that "after the termination of the present war, it should not be lawful to employ on board of any of the public or private vessels of the United States, any persons except citizens of the United States; and that no foreigner should be admitted to become a citizen hereafter, who had not for the continued term of five years, resided within the United States, without being, at any time, during the five years, out of the territories of the United States."§

It is manifest then that such provision might be made by law; and that such provision has been repeatedly and urgently proposed; as would, in all future times, exclude from the maritime service of the United States, both in public and private vessels, every person, who could, possibly, be claimed by Great Britain, as a native subject, whether he had, or had not, been naturalized in

*See the project of a treaty on the subject, between Mr. Pickering, secretary of state, and Mr. Liston, the British minister at Philadelphia, in the year 1800.

†See the letter of Mr. King, minister at London, to the secretary of State, dated the 15th of March, 1792.

‡See the letter of Mr. King to the secretary of state, dated in July, 1803.

§See the act of Congress, passed on the 3d of March, 1813.

in America.* Enforced by the same sanctions and securities, which are employed to enforce the penal code of Great Britain, as well as the penal code of the United States, the provision would afford the strongest evidence, that no British subject could be found in service on board of an American vessel; and, consequently, whatever might be the British right of impressment, in the abstract, there would remain no justifiable motive, there could hardly be invented a plausible pretext, to exercise it, at the expense of the American right of lawful commerce. If, too, as it has sometimes been insinuated, there would, nevertheless, be room for frauds and evasions, it is sufficient to observe that the American government would always be ready to hear, and to redress, every just complaint; or, if redress were sought and refused, (a preliminary course that ought never to have been omitted, but which Great Britain has never pursued) it would still be in the power of the British government to resort to its own force, by acts equivalent to war, for the reparation of its wrongs. But Great Britain has, unhappily, perceived in the acceptance of the overtures of the American government, consequences injurious to her maritime policy; and, therefore, withholds it at the expense of her justice. She perceives, perhaps, a loss of the American nursery for her seamen, while she is at peace; a loss of the service of American crews, while she is at war; and a loss of many of those opportunities, which have enabled her to enrich her navy, by the spoils of the American commerce, without exposing her own commerce to the risk of retaliation or reprisals.

*See the letter of instructions from Mr. Monroe, secretary of State, to the plenipotentiaries for treating of peace with Great Britain, under the mediation of the emperor Alexander, dated the 15th April, 1813.

Thus, were the United States, in a season of reputed peace, involved in the evils of a state of war—and thus, was the American flag annoyed by a nation still professing to cherish the sentiments of mutual friendship and respect, which had been recently vouched, by the faith of a solemn treaty. But the American government even yet abstained from vindicating its rights, and from avenging its wrongs, by an appeal to arms. It was not an insensibility to those wrongs; nor a dread of British power; nor a subserviency to British interests, that prevailed, at that period, in the councils of the United States; but, under all trials, the American government abstained from the appeal to arms then, as it has repeatedly since done, in its collisions with France, as well as with Great Britain, from the purest love of peace, while peace could be rendered compatible with the honor and independence of the nation.

During the period which has hitherto been more particularly contemplated (from the declaration of hostilities between Great Britain and France in the year 1792, until the short-lived pacification of the treaty of Amiens in 1802) there were not wanting occasions to test the consistency and the impartiality of the American government, by a comparison of its conduct towards Great Britain, with its conduct towards other nations. The manifestation of the extreme jealousy of the French government, and of the intemperate zeal of its ministers near the United States, were coeval with the proclamation of neutrality; but after the ratification of the treaty of London, the scene of violence, spoliation, and contumely, opened by France, upon the United States, became such, as to admit, perhaps, of no parallel, except in the cotemporaneous scenes which were exhibited by the injustice of her great competitor. The American government acted,

in both cases, on the same pacific policy; in the same spirit of patience and forbearance; but with the same determination, also, to assert the honor and independence of the nation. When, therefore, every conciliatory effort had failed, and when two successive missions of peace had been contemptuously repulsed, the American government, in the year 1798, annulled its treaties with France, and waged a maritime war against that nation, for the defence of its citizens and commerce, passing on the high seas. But as soon as the hope was conceived, of a satisfactory change in the dispositions of the French government, the American government hastened to send another mission to France, and a convention, signed in the year 1800, terminated the subsisting differences between the two countries.

Nor were the United States able, during the same period, to avoid a collision with the government of Spain, upon any important and critical questions of boundary and commerce, of Indian warfare and maritime spoliation. Preserving, however, their system of moderation, in the assertion of their rights, a course of amicable discussion and explanation, produced mutual satisfaction; and a treaty of friendship, limits and navigation was formed in the year 1795, by which the citizens of the United States acquired a right, for the space of three years, to deposit their merchandize and effects in the port of New-Orleans; with a promise, either that the enjoyment of that right should be indefinitely continued, or that another part of the banks of the Mississippi should be assigned for an equivalent establishment. But, when, in the year 1802, the port of New-Orleans was abruptly closed against the citizens of the United States, without an assignment of any other equivalent place of deposite, the harmony of the two countries was again most seriously en-

dangered; until the Spanish government, yielding to the remonstrances of the United States, disavowed the act of the intendant of New Orleans, and ordered the right of deposite to be reinstated, on the terms of the treaty of 1795.

The effects produced, even by a temporary suspension of the right of deposite at New-Orleans, upon the interests and feelings of the nation, naturally suggested to the American government the expediency of guarding against their recurrence, by the acquisition of a permanent property in the province of Louisiana. The minister of the United States, at Madrid, was, accordingly, instructed to apply to the government of Spain upon the subject; and on the 4th of May, 1803, he received an answer, stating, that "by the retrocession made to France, of Louisiana, that power regained the province, with the limits it had, saving the rights acquired by other powers; and that the United States could address themselves to the French government, to negociate the acquisition of territories, which might suit their interest."* But before this reference, official information of the same fact had been received by Mr. Pinkney from the court of Spain, in the month of March preceding; and the American government, having instituted a special mission to negociate the purchase of Louisiana from France, or from Spain, whichever should be the sovereign, the purchase was, accordingly, accomplished for a valuable consideration (that was punctually paid) by the treaty concluded at Paris on the 30th April, 1803.

*See the letter from don Pedro Cevallos, the minister of Spain, to Mr. C. Pinkney, the minister of the United States, dated the 4th of May, 1803, from which the passage cited is literally translated.

The American government has not seen, without some sensibility, that a transaction, accompanied by such circumstances of general publicity, and of scrupulous good faith, has been denounced by the prince regent, in his declaration of the 10th of January, 1813, as a proof of the "ungenerous conduct of the United States towards Spain."* In amplification of the royal charge, the British negociators at Ghent, have presumed to impute "the acquisition of Louisiana, by the United States, to a spirit of aggrandizement, not necessary to their own security;" and to maintain "that the purchase was made against the known conditions on which it had been ceded by Spain to France;"† that "in the face of the protestation of the minister of his catholic majesty at Washington, the president of the United States ratified the treaty of purchase;"‡ and that "there was good reason to believe, that many circumstances attending the transaction were industriously concealed."§ The American government cannot condescend to retort aspersions so unjust, in language so opprobrious; and peremptorily rejects the pretension of Great Britain, to interfere in the business of the United States and Spain: but it owes, nevertheless, to the claims of truth, a distinct statement of the facts which have been thus misrepresented. When the special mission was appointed to negociate the purchase of Louisiana from France, in the manner already mentioned, the American minister at London was in-

*See the prince regent's declaration of the 10th of January, 1813.

†See the note of the British commissioners, dated the 4th of September, 1814.

‡See the note of the British commissioners dated the 19th of September, 1814.

§See the note of the British commissioners, dated the 8th of October, 1814.

structed to explain the object of the mission, and having made the explanation, he was assured by the British government, "that the communication was received in good part; no doubt was suggested of the right of the United States to pursue, separately and alone, the objects they aimed at; but the British government appeared to be satisfied with the president's views on this important subject."* As soon, too, as the treaty of purchase was concluded, before hostilities were again actually commenced between Great Britain and France, and previously, indeed, to the departure of the French ambassador from London, the American minister openly notified to the British government, that a treaty had been signed, by which the complete sovereignty of the town and territory of New-Orleans, as well as of all Louisiana, as the same was heretofore possessed by Spain, had been acquired by the United States of America; and that, in drawing up the treaty, care had been taken so to frame the same, as not to infringe any right of Great Britain, in the navigation of the river Mississippi."† In the answer of the British government, it was explicitly declared by lord Hawkesbury, "that he had received his majesty's commands to express the pleasure with which his majesty had received the intelligence; and to add, that his majesty regarded the care, which had been taken so to frame the treaty as not to infringe any right of Great Britain in the navigation of the Mississippi, as the most satisfactory evidence of a disposition on the part of the government of the United States,

*See the letter from the secretary of state, to Mr. King, the American minister at London, dated the 29th of January, 1803; and Mr. King's letter to the secretary of state, dated the 28th of April, 1803.

†See the letter of Mr. King to lord Hawkesbury, dated the 15th of May, 1803.

correspondent with that which his majesty entertained, to promote and improve that harmony, which so happily subsisted between the two countries, and which was so conducive to their mutual benefit."* The world will judge, whether, under such circumstances, the British government had any cause, on its own account, to arraign the conduct of the United States, in making the purchase of Louisiana; and, certainly, no greater cause will be found for the arraignment, on account of Spain. The Spanish government was apprized of the intention of the United States to negociate for the purchase of that province; its ambassador witnessed the progress of the negociation at Paris; and the conclusion of the treaty, on the 30th of April, 1803, was promptly known and understood at Madrid. Yet the Spanish government interposed no objection, no protestation, against the transaction, in Europe; and it was not until the month of September, 1803, that the American government heard, with surprise, from the minister of Spain, at Washington, that his catholic majesty was dissatisfied with the cession of Louisiana to the United States. Notwithstanding this diplomatic remonstrance, however, the Spanish government proceeded to deliver the possession of Louisiana to France, in execution of the treaty of St. Idelfonso; saw France, by an almost simultaneous act, transfer the possession to the United States, in execution of the treaty of purchase; and, finally, instructed the marquis de Casa Yrujo, to present to the American government, the declaration of the 15th of May, 1804, acting "by the special order of his sovereign," "that the explanations, which the government of France had given to his

*See the letter of lord Hawkesbury to Mr. King, dated the 19th of May, 1803.

catholic majesty, concerning the sale of Louisiana to the United States, and the amicable dispositions, on the part of the king, his master, towards these states, had determined him to abandon the opposition, which, at a prior period, and with the most substantial motives, he had manifested against the transaction."*

But after this amicable and decisive arrangement of all differences, in relation to the validity of the Louisiana purchase, a question of some embarrassment remained, in relation to the boundaries of the ceded territory. This question, however, the American government always has been, and always will be, willing to discuss, in the most candid manner, and to settle upon the most liberal basis, with the government of Spain. It was not, therefore, a fair topic, with which to inflame the prince regent's declaration; or to embellish the diplomatic notes of the British negociators at Ghent.† The period has arrived, when Spain, relieved from her European labors, may be expected to bestow her attention, more effectually, upon the state of her colonies; and, acting with wisdom, justice and magnanimity, of which she has given frequent examples, she will find no difficulty in meeting the recent advance of the American government, for an honorable adjustment of every point in controversy between the two countries, without seeking the aid of British mediation, or adopting the animosity of British councils.

*See the letter of the marquis de Casa Yrujo, to the American secretary of state, dated the 15th of May, 1804.

†See the prince regent's declaration of the 10th of January, 1813. See the notes of the British commissioners, dated the 19th of September, 8th Oct. 1814.

But still the United States, feeling a constant interest in the opinion of enlightened and impartial nations, cannot hesitate to embrace the opportunity for representing, in the simplicity of truth, the events, by which they have been led to take possession of a part of the Floridas, notwithstanding the claim of Spain to the sovereignty of the same territory. In the acceptation and understanding of the United States, the cession of Louisiana, embraced the country south of the Mississippi territory, and eastward of the river Mississippi and extending to the river Perdido; but "their conciliatory views, and their confidence in the justice of their cause, and in the success of a candid discussion and amicable negociation with a just and friendly power, induced them to acquiesce in the tempory continuance of that territory under the Spanish authority."* When, however, the adjustment of the boundaries of Louisiana, as well as a reasonable indemnification on account of maritime spoliations, and the suspension of the right of deposite at New-Orleans, seemed to be indefinitely postponed, on the part of Spain, by events which the United States had not contributed to produce, and could not control; when a crisis had arrived subversive of the order of things under the Spanish authorities, contravening the views of both parties, and endangering the tranquillity and security of the adjoining territories, by the intrusive establishment of a government, independent of Spain, as well as of the United States; and when, at a later period, there was reason to believe, that Great Britain herself designed to occupy the Floridas, (and she has, indeed, actually occupied Pensacola, for hostile

*Se the proclamation of the president of the United States, authorising governor Clairborne to to take possession of the territory, dated the 27th of Oct. 1810.

purposes.) the American government, without departing from its respects for the rights of Spain, and even consulting the honor of that state, unequal, as she then was, to the task of suppressing the intrusive establishment, was impelled by the paramount principle of self-preservation, to rescue its own rights from the impending danger. Hence the United States in the year 1810, proceeding step by step, according to the growing exigences of the time, took possession of the country, in which the standard of independence had been displayed, excepting such places as were held by a Spanish force In the year 1811, they authorised their president, by law, provisionally to accept of the possession of East Florida from the local authorities, or to pre-occupy it against the attempt of a foreign power to seize it. In 1813, they obtained the possession of Mobile, the only place then held by a Spanish force in West Florida; with a view to their own immediate security, but without varying the questions depending between them and Spain, in relation to that province.— And in the year 1814, the American commander, acting under the sanction of the law of nations, but unauthorised by the orders of his government, drove from Pensacola the British troops, who, in violation of the neutral territory of Spain, (a violation which Spain it is believed must herself resent, and would have resisted, if the opportunity had occured,) seized and fortified that station, to aid in military operations against the United States. But all these measures of safety and necessity were frankly explained, as they occurred, to the government of Spain, and even to the government of Great Britain, antecedently to the declaration of war, with the sincerest assurances, that the possession of the territory thus acquired,

"should not cease to be a subject of friendly negociation and adjustment."*

The present review of the conduct of the United States, towards the belligerent powers of Europe, will be regarded by every candid mind, as a necessary medium to vindicate their national character from the unmerited imputations of the prince regent's declaration of the 10th of January, 1813, and not as a medium voluntarily assumed, according to the insinuations of that declaration, for the revival of unworthy prejudices, or vindictive passions, in reference to transactions that are past. The treaty of Amiens, which seemed to terminate the war in Europe, seemed also to terminate the neutral sufferings of America; but the hope of repose was, in both respects, delusive and transient. The hostilities that were renewed between Great Britain and France, in the year 1803, were immediately followed by the renewal of the aggressions of the belligerent powers, upon the commercial rights, and political independence of the United States. There was scarcely, therefore, an interval separating the aggressions of the first war, from the aggressions of the second war; and although, in nature, the aggressions continu-

‡See the letter from the secretary of state to governor Claiborne, and the proclamation dated the 27th of October, 1810:

See the proceedings of the convention of Florida, transmitted to the secretary of state, by the government of the Mississippi territory, in his letter of the 17th of October, 1810: and the answer of the secretary of state, dated the 15th of November, 1810:

See the letter of Mr. Morier, British charge de affaires, to the secretary of state, dated the 15th of December, 1810, and the secretary's answer:

See the correspondence between Mr. Monroe, and Mr. Foster, the British minister, in the months of July, September, and November, 1811.

ed to be the same. in extent they became incalculably more destructive. It will be seen, however, that the American government, inflexibly maintained its neutral and pacific policy, in every extremity of the latter trial, with the same good faith and forbearance, that, in the former trial, had distinguished its conduct ; until it was compelled to choose, from the alternative of national degradation, or national resistance. And if Great Britain alone then became the object of the American declaration of war, it will be seen, that Great Britain alone, had obstinately closed the door of amicable negociation.

The American minister at London, anticipating the rupture between Great Britain and France, had obtained assurances from the British government, " that, in the event of war, the instructions given to their naval officers should be drawn up with plainness and precision ; and, in general, that the belligerents should be exercised in moderation, and with due respect to those of neutrals."* And in relation to the important subject of impressment, he had actually prepared for signature, with the assent of lord Hawesbury and lord St. Vincent, a convention to continue during five years, declaring that " no seaman, nor seafaring person, should, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship or vessel, belonging to the citizens or subjects of one of the parties, by the public or private armed ships, or men of war, belonging to, or in the service of, the other party ; and that strict orders should be given for the due observance of the engagement."†

*See the letter of Mr. King, to the secretary of state, dated the 16th of May, 1805.

†See the letter of Mr. King, to the secretary of state, dated July, 1803.

This convention, which explicitly relinquished impressments from American vessels on the high seas, and to which the British ministers had, at first, agreed, lord St. Vincent was desirous afterwards to modify, "stating, that on further reflection, he was of opinion, that the narrow seas should be expressly excepted, they having been, as his lordship remarked, immemorially considered to be within the dominion of Great Britain." The American minister however, "having supposed, from the tenor of his conversations with lord St. Vincent, that the doctrine of *mare clausum* would not be revived against the United States on this occasion; but that England would be content, with the limited jurisdiction, or dominion, over the seas adjacent to her territories, which is assigned by the law of nations to other states, was disappointed, on receiving lord St. Vincent's communication; and chose rather to abandon the negociation, than to acquiesce in the doctrine it proposed to establish."* But it was still some satisfaction to receive a formal declaration from the British government, communicated by its minister at Washington, after the recommencement of the war in Europe, which promised in effect to reinstate the practice of naval blockades, upon the principles of the law of nations; so that no blockade should be considered as existing, "unless in respect of particular ports which might be actually invested; and, then, that the vessels bound to such ports should not be cap-

*See the letter of Mr. King to the secretary of state, dated July, 1803.

tured, unless they had previously been warned not to enter them."*

All the precautions of the American government were, nevertheless, ineffectual, and the assurances of the British government were, in no instance, verified. The outrage of impressment was again and indiscriminately perpetrated upon the crew of every American vessel, and on every sea. The enormity of blockades, established by an order in council, without the application of a competent force, was, more and more developed. The rule, denominated "the rule of the war of 1756," was revived in an affected style of moderation, but in a spirit of more rigorous execution.† The lives, the liberty, the fortunes and the happiness of the citizens of the United States, engaged in the pursuits of navigation and commerce, were once more subjected to the violence and cupidity of the British cruizers. And, in brief, so grievous, so intolerable, had the afflictions of the nation become, that the people with one mind, and one voice, called loudly on their government, for redress and protection ;‡ the congress of the United States, participating in the feelings and resentment of the time, urged upon the executive magistrate, the necessity of an immediate demand

*See the letter of Mr. Merry to the secretary of state, the 12th of April, 1804, and the enclosed copy of a letter from Mr. Nepean, the secretary of the admirality, to Mr. Hammond, the British under secretary of state of foreign affairs, dated January 5, 1804.

†See the orders in council of the 24th of June, 1803, and the 17th of August, 1805.

‡See the memorials of Boston, New-York, Philadelphia, Baltimore, &c. presented to congress in the end of the year 1805, and the beginning of the year 1806.

of reparation from Great Britain ;* while the same patriotic spirit, which had opposed British usurpation in 1793, and encountered French hostility in 1798, was again pledged, in every variety of form, to the maintenance of the national honor and independence, during the more arduous trial that arose in 1805.

Amidst the scenes of injustice on the one hand, and of reclamation on the other, the American government preserved its equanimity and its firmness. It beheld much in the conduct of France, and of her ally, Spain, to provoke reprisals. It beheld more in the conduct of Great Britain, that led unavoidably (as had often been avowed) to the last resort of arms. It beheld in the temper of the nation, all that was requisite to justify an immediate selection of Great Britain, as the object of a declaration of war. And it could not but behold in the policy of France, the strongest motive to acquire the United States, as an associate in the existing conflict. Yet, these considerations did not then, more than at any former crisis, subdue the fortitude, or mislead the judgment, of the American government ; but in perfect consistency with its neutral, as well as its pacific system, it demanded atonement, by remonstrances with France and Spain ; and it sought the preservation of peace, by negociation with Great Britain.

It has been shown, that a treaty proposed, emphatically, by the British minister, resident at Philadelphia, " as the means of drying up every source of complaint and irritation, upon the head of impressment," was " deemed utterly inadmis-

§See the resolutions of the Senate of the United States, of the 10th and 14th of February, 1806 ; and the resolution of the house of representatives of the United States.

sible" by the American government, because it did not sufficiently provide for that object.* It has, also, been shown, that another treaty, proposed by the American minister at London, was laid aside, because the British government, while it was willing to relinquish, expressly, impressments from American vessels, on the high seas, insisted upon an exception, in reference to the narrow seas, claimed as a part of the British dominion: and experience demonstrated, that although the spoliations committed upon the American commerce, might admit of reparation, by the payment of a pecuniary equivalent; yet, consulting the honor, and the feelings of the nation, it was impossible to receive satisfaction for the cruelties of impressment, by any other means, than by an entire discontinuance of the practice. When, therefore, the envoys extraordinary were appointed in the year 1806, to negociate with the British government, every authority was given, for the purposes of conciliation; nay, an act of Congress, prohibiting the importation of certain articles of British manufacture into the United States, was suspended, in proof of a friendly disposition;† but it was declared, that "the suppression of impressment, and the definition of blockades, were absolutely indispensable;" and that, "without a provision against impressments, no treaty should be concluded." The American envoys accordingly, took care to communicate to

*See Mr. Liston's letter to the secretary of state, dated the 4th of February, 1800; and the letter of Mr. Pickering, secretary of state, to the president of the United States, dated the 20th of February, 1800.

†See the act of Congress, passed the 18th day of April, 1806; and the act suspending it, passed the 19th of December, 1806.

the British commissioners, the limitations of their powers. Influenced, at the same time, by a sincere desire to terminate the differences between the two nations; knowing the solicitude of their government, to relieve its seafaring citizens from actual sufferance; listening with confidence, to assurances and explanations of the British commissioners, in a sense favorable to their wishes; and judging from a state of information, that gave no immediate cause to doubt the sufficiency of those assurances and explanations; the envoys, rather than terminate the negociation without any arrangement, were willing to rely on the efficacy of a substitute, for a positive article in the treaty, to be submitted to the consideration of their government, as this, according to the declaration of the British commissioners, was the only arrangement, they were permitted at that time, to propose or to allow. The substitute was presented in the form of a note from the British commissioners to the American envoys, and contained a pledge, "that instructions had been given, and should be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; that the strictest care should be taken to preserve the citizens of the United States from any molestation or injury; and that immediate and prompt redress should be afforded, upon any representation of injury sustained by them."*

Inasmuch, however, as the treaty contained no provision against impressment, and it was seen by the government, when the treaty was under consideration for ratification, that the pledge contained in the substitute was not complied with, but, on the contrary, that the impressments were

*See the note of the British commissioners, dated 8th of November, 1806.

continued, with undiminished violence, in the American seas, so long after the alledged date of the instructions, which were to arrest them; that the practical inefficacy of the substitute could not be doubted by the government here, the ratification of the treaty was necessarily declined; and it has since appeared, that after a change in the British ministry had taken place, it was declared by the secretary for foreign affairs, that no engagements were entered into, on the part of his majesty, as connected with the treaty, except such as appear upon the face of it.*

The American government, however, with unabating solicitude for peace, urged an immediate renewal of the negociations on the basis of the abortive treaty, until this course was peremptorily, declared, by the British government, to be "wholly inadmissible."†

But, independent of the silence of the proposed treaty, upon the great topic of American complaint, and of the view which has been taken of the projected substitute; the contemporaneous declaration of the British commissioners, delivered by the command of their sovereign, and to which the American envoys refused to make themselves a party, or to give the slightest degree of sanction, was regarded by the American government, as ample cause of rejection. In reference to the French decree, which had been issued at Berlin, on the 21st of November, 1806, it was declared that if France should carry the threats of that decree into execution, and if "neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might, probably, be compelled, however reluc-

*See Mr. Canning's letter to the American envoys, dated 27th October 1807.

†See the same letter.

tantly, to retaliate, in his just defence, and to adopt, in regard to the commerce of neutral nations, with his enemies, the same measures, which those nations should have permitted to be enforced, against their commerce with his subjects:" "that his majesty could not enter into the stipulations of the present treaty, without an explanation from the United States of their intentions, or a reservation on the part of his majesty, in the case above mentioned, if it should ever occur," and "that without a formal abandonment, or tacit relinquishment of the unjust pretensions of France; or without such conduct and assurances upon the part of the United States, as should give security to his majesty, that they would not submit to the French innovations, in the established system of maritime law, his majesty would not consider himself bound by the present signature of his commissioners, to ratify the treaty, or precluded from adopting such measures as might seem necessary for counteracting the designs of the enemy."*

The reservation of a power, to invalidate a solemn treaty, at the pleasure of one of the parties and the menaces of inflicting punishment upon the United States, for the offences of another nation, proved, in the event, a prelude to the scenes of violence, which Great Britain was then about to display, and which it would have been improper for the American negociators to anticipate. For, if a commentary were wanting to explain the real design of such conduct, it would be found in the fact, that within eight days from the date of the treaty, and before it was possible for the British government to have known the effect of

*See the note of the British commissioners dated the 31st December, 1806. See also the answer of Messrs. Monroe and Pinkney to that note.

the Berlin decree on the American government; nay, even before the American government had itself heard of that decree, the destruction of American commerce was commenced by the order in council of the 7th of January, 1807, which announced, "that no vessel should be permitted to trade from one port to another, both which ports should belong to, or be in possession of France, or her allies: or should be so far under their control, as that British vessels might not trade freely thereat."*

During the whole period of this negociation, which did not finally close until the British government declared, in the month of October, 1807, that negociation was no longer admissible, the course pursued by the British squadron, stationed more immediately on the American coast, was in the extreme, vexatious, predatory and hostile. The territorial jurisdiction of the United States, extending, upon the principles of the law of nations, at least a league over the adjacent ocean, was totally disregarded and contemned. Vessels employed in the coasting trade, or in the business of the pilot and the fisherman, were objects of incessant violence; their petty cargoes were plundered; and some of their scanty crews were often, either impressed, or wounded, or killed, by the force of British frigates.—British ships of war hovered, in warlike display, upon the coast; blockaded the ports of the United States, so that no vessel could enter or depart in safety; penetrated the bays and rivers, and even anchored in the harbors, of the United States, to exercise a jurisdiction of impressment; threatened the towns and villages with conflagration; and wantonly discharged musketry, as well as cannon, upon the inhabitants of an open, and unprotected

*See the order in council of January 7, 1807.

country. The neutrality of the American territory was violated on every occasion: and, at last, the American government was doomed to suffer the greatest indignity which could be offered to a sovereign and independent nation, in the ever memorable attack of a British fifty gun ship, under the countenance of the British squadron, anchored within the waters of the United States, upon the frigate Chesapeake, peaceably prosecuting a distant voyage. The British government affected, from time to time, to disapprove and condemn these outrages; but the officers who perpetrated them were generally applauded; if tried, they were acquitted; if removed from the American station, it was only to be promoted in another station; and if atonement were offered, as in the flagrant instance of the frigate Chesapeake, the atonement was so ungracious in the manner, and so tardy in the result, as to betray the want of that conciliatory spirit which ought to have characterized it.*

But the American government, soothing the exasperated spirit of the people, by a proclamation which interdicted the entrance of all British armed vessels, into the harbors and waters of the United States,† neither commenced hostilities against Great Britain; nor sought a defensive alliance with France; nor relaxed in its firm, but conciliatory, efforts, to enforce the claims of justice, upon the honor of both nations.

*See the evidence of these facts reported to congress in November 1806.

See the documents respecting captain Love, of the Driver; captain Whitby, of the Leander.

See, also, the correspondence respecting the frigate Chesapeake, with Mr. Canning, at London; with Mr. Rose, at Washington; with Mr. Erskine, at Washington.

†See the proclamation of the 2d of July, 1807.

The rival ambition of Great Britain and France, now, however, approached the consummation, which involving the destruction of all neutral rights, upon an avowed principle of action, could not fail to render an actual state of war, comparatively, more safe, and more prosperous, than the imaginary state of peace, to which neutrals were reduced. The just and impartial conduct of a neutral nation, ceased to be its shield, and its safeguard, when the conduct of the belligerent powers towards each other became the only criterion of the law of war. The wrong committed by one of the belligerent powers was thus made the signal for the perpetration of a greater wrong by the other; and if the American government complained to both powers, their answer, although it never denied the causes of complaint, invariably retorted an idle and offensive inquiry, into the priority of their respective aggressions; or each demanded a course of resistance against its antagonist, which was calculated to prostrate the American government and coerce the United States, against their interest and their policy, into becoming an associate in the war. But the American government never did, and never can, admit, that a belligerent power, "in taking steps to restrain the violence of its enemy, and to retort upon them the evils of their own injustice,"* is entitled to disturb and to destroy, the rights of a neutral power, as recognized and established, by the law of nations. It was impossible indeed, that the real features of the miscalled retaliatory system should be long masked from the world; when Great-Britain, even in her acts of professed retaliation, declared, that France was unable to execute the hostile denunciations of her decrees;† and when Great Britain herself unblush-

*See the orders in council of the 7th of January, 1807.

†See the orders in council of the 7th of January, 1807.

ingly entered into the same commerce with her enemy (through the medium of forgeries, perjuries, and licenses) from which she had interdicted unoffending neutrals. The pride of naval superiority; and the cravings of commercial monopoly; gave, after all, the impulse and direction to the councils of the British cabinet; while the vast, although visionary, projects of France, furnished occasions and pretexts, for accomplishing the objects of those councils.

The British minister resident at Washington in the year 1804, having distinctly recognized, in the name of his sovereign, the legitimate principles of blockade, the American government received with some surprise and solicitude, the successive notifications of the 9th of August 1804, the 8th of April, 1806, and more particularly, of the 16th of May, 1806, announcing by the last notification, "a blockade of the coast, rivers and ports from the river Elbe to the port of Brest, both inclusive."† In none of the notified instances of blockade, were the principles, that had been recognized in 1804, adopted and pursued, and it will be recollected by all Europe, that neither at the time of the notification of the 16th of May, 1806; nor at the time of excepting the Elbe and Ems, from the operation of that notification;‡ nor at any other time during the continuance of the French war, was there an adequate naval force, actually applied by Great Britain, for the purpose of maintaining a blockade, from the river

†See lord Harrowby's note to Mr. Monroe, dated the 9th of August, 1804, and Mr. Fox's notes to Mr. Monroe, dated respectively the 8th of April, and the 16th of May, 1806.

‡See lord Howick's note to Mr. Monroe, dated the 25th September, 1806.

Elbe, to the port of Brest. It was then in the language of the day, "a mere paper blockade;" a manifest infraction of the law of nations; and an act of peculiar injustice to the United States, as the only neutral power, against which it would practically operate. But whatever may have been the sense of the American government on the occasion; and whatever might be the disposition, to avoid making this the ground of an open rupture with Great Britain, the case assumed a character of the highest interest, when independent of its own injurious consequences, France in the Berlin decree of the 21st of November, 1806, recited as a chief cause for placing the British islands in a state of blockade, "that Great Britain declares blockaded, places before which she has not a single vessel of war; and even places which her united forces would be incapable of blockading; such as entire coasts, and a whole empire; an unequalled abuse of the right of blockade, that had no other object, than to interrupt the communications of different nations; and to extend the commerce and industry of England, upon the ruin of those nations."* The American government aims not, and never has aimed at the justification, either of Great Britain or of France, in their career of crimination and recrimination; but it is of some importance to observe, that if the blockade of May 1806, was an unlawful blockade, and if the right of retaliation arose with the first unlawful attack, made by a belligerent power upon neutral rights, Great Britain has yet to answer to mankind, according to the rule of her own acknowledgment, for all the calamities of the retaliatory warfare. France, whether right, or wrong, made the Brit-

*See the Berlin decree of the 21st November, 1806.

ish system of blockade, the foundation of the Berlin decree; and France had an equal right with Great Britain to demand from the United States, an opposition to every encroachment upon the privileges of the neutral character. It is enough, however, on the present occasion, for the American government, to observe, that it possessed no power to prevent the framing of the Berlin decree, and to disclaim any approbation of its principles, or acquiescence in its operations: for it neither belonged to Great Britain nor to France to prescribe to the American government, the time or the mode, or the degree of resistance, to the indignities, and the outrages, with which each of those nations in its turn assailed the United States.

But it has been shown, that after the British government possessed a knowledge of the existence of the Berlin decree, it authorized the conclusion of the treaty with the United States which was signed, at London, on the 31st of December, 1806, reserving to itself the power of annulling the treaty, if France did not revoke, or if the United States, as a neutral power, did not resist, the obnoxious measure. It has, also, been shown, that before Great Britain could possibly ascertain the determination of the United States, in relation to the Berlin decree, the orders in council of the 7th of January, 1807, were issued, professing to be a retaliation against France, "at a time when the fleets of France and her allies were themselves confined within their own ports, by the superior valor and discipline of the British navy,"* but operating, in fact, against the United States, as a neutral power, to prohibit their trade "from a due port to another, both

*See the order in council of the 7th of January, 1807.

which ports should belong to, or be in the possession of, France or her allies, or should be so far under their controls, as that British vessels might not trade freely thereat."* It remains, however, to be stated, that it was not until the 12th of March, 1807, that the British minister, then residing at Washington, communicated to the American government, in the name of his sovereign, the orders in council of January, 1807, with an intimation, that stronger measures would be pursued, unless the United States should resist the operations of the Berlin decree.† At the moment, the British government was reminded, "that within the period of those great events, which continued to agitate Europe, instances had occurred, in which the commerce of neutral nations, more especially of the United States, had experienced the severest distresses from its own orders and measures, manifestly unauthorized by the law of nations;" assurances were given, "that no culpable acquiescence on the part of the United States would render them accessary to the proceedings of one belligerent nation, through their rights of neutrality, against the commerce of its adversary; and the right of Great Britain to issue such orders, unless as orders of blockade, to be enforced according to the law of nations, was utterly denied.‡

This candid and explicit avowal of the sentiments of the American government, upon an occasion, so novel and important in the history of nations, did not, however, make its just impression upon the British cabinet; for, without assigning

*See the order in council of the 7th of January, 1807.

†See Mr. Erskine's letter to the secretary of state, dated the 12th of March, 1807.

‡See the secretary of state's letter to Mr. Erskine, dated the 20th of March, 1807.

any new provocation on the part of France, and complaining, merely, that neutral powers had not been induced to interpose, with effect, to obtain a revocation of the Berlin decree, (which, however, Great Britain had affirmed to be a decree nominal and inoperative) the orders in council of the 11th November, 1807, were issued, declaring, "that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which although not at war with his majesty, the British flag was excluded, and all ports or places in the colonies belonging to his majesty's enemies, should, from thenceforth, be subject to the same restrictions, in point of trade and navigation, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner:" that "all trade in articles which were the produce or manufacture of the said countries or colonies, should be deemed and considered to be unlawful:" but that neutral vessels should still be permitted to trade with France from certain free ports, or through ports and places of the British dominions.* To accept the lawful enjoyment of a right, as the grant of a superior; to prosecute a lawful commerce under the forms of favor and indulgence; and to pay a tribute to Great-Britain, for the privilege of a lawful transit on the ocean; were concessions, which Great Britain was disposed, insidiously, to exact, by an appeal to the cupidity of individuals, but which the United States could never yield; consistently with the independence and sovereignty of the nation. The orders in council were, therefore, altered in

*See the orders in council of the 11th of November, 1807.

this respect, at a subsequent period ;* but the general interdict of neutral commerce, applying, more especially to American commerce, was obstinately maintained, against all the force of reason, of remonstrance, and of protestation, employed by the American government, when the subject was presented to its consideration, by the British minister residing at Washington. The fact assumed as the basis of the orders in council was unequivocally disowned ; and it was demonstrated, that so far from its being true, "that the United States had acquiesced in the illegal operation of the Berlin decree, it was not even true that at the date of the British orders of the 11th of November, 1807, a single application of that decree to the commerce of the United States, on the high seas, could have been known to the British government ;" while the British government had been officially informed by the American minister at London, "that explanations, uncontradicted by any overt act, had been given to the American minister at Paris, which justified a reliance that the French decree would not be put in force against the United States."†

The British orders of the 11th of November, 1807, were quickly followed by the French decree of Milan, dated the 17th of December, 1807, "which was said to be resorted to, only in just retaliation of the barbarous system adopted by England," and in which the denationalizing tendency of the orders, is made the foundation of a declaration in the decree, "that every ship to

*See Mr. Canning's letter to Mr. Pinkney, 23d February, 1808.

†See Mr. Erskine's letter to the secretary of state, dated 22d of February, 1808 ; and the answer of the secretary of state, dated the 25th of March, 1808.

whatever nation it might belong, that should have submitted to be searched by an English ship, or to a voyage to England, or should have paid any tax whatsoever to the English government, was thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its sovereign, and to have become English property, subject to capture as good and lawful prize: that the British Islands were placed in a state of blockade, both by sea and land—and every ship, of whatever nation, or whatever the nature of its cargo might be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, should be good and lawful prize: but the provisions of the decree should be abrogated and null, in fact, as soon as the English should abide again by the principles of the law of nations, which are, also, the principles of justice and honor."* In opposition, however, to the Milan decree, as well as to the Berlin decree, the American government strenuously and unceasingly employed every instrument except the instrument of war. It acted precisely towards France, as it acted towards Great Britain on similar occasions; but France remained, for a time, as insensible to the claims of justice and honor, as Great Britain, each imitating the other, in extravagance of pretensions, and in obstinacy of purpose.

When the American government received intelligence, that the orders of the 11th of November, 1807, had been under the consideration of the British cabinet, and were actually prepared for promulgation, it was anticipated that France, in

*See the Milan decree of the 17th of December, 1807.

a zealous prosecution of the retaliatory warfare, would soon produce an act of, at least, equal injustice and hostility. The crisis existed, therefore, at which the United States were compelled to decide either to withdraw their seafaring citizens, and their commercial wealth from the ocean, or to leave the interests of the mariner and the merchant exposed to certain destruction; or to engage in open and active war, for the protection and defence of those interests. The principles and the habits of the American government, were still disposed to neutrality and peace. In weighing the nature and the amount of the aggressions, which had been perpetrated, or which were threatened, if there were any preponderance to determine the balance, against one of the belligerent powers, rather than the other, as the object of a declaration of war; it was against Great-Britain, at least, upon the vital interests of impressment; and the obvious superiority of her naval means of annoyance. The French decrees were, indeed, as obnoxious in their formation and design as the British orders; but the government of France claimed and exercised no right of impressment; and the maritime spoliations of France were comparatively restricted not only by her own weakness on the ocean, but by the constant and pervading vigilance of the fleets of her enemy. The difficulty of selection; the indiscretion of encountering, at once, both of the offending powers; and, above all, the hope of an early return of justice, under the dispensations of the ancient public law, prevailed in the councils of the American government; and it was resolved to attempt the preservation of its neutrality and its peace; of its citizens, and its resources; by a voluntary suspension of the commerce and navigation of the United States. It is true, that for the minor outrages committed, under the

pretext of the rule of the war of 1756, the citizens of every denomination had demanded from their government, in the year 1805, protection and redress; it is true, that for the unparalleled enormities of 1807, the citizens of every denomination again demanded protection and redress: but it is also, a truth, conclusively established by every manifestation of the sense of the American people, as well as of their government, that any honorable means of protection and redress, were preferred to the last resort of arms. The American government might honorably retire, for a time, from a scene of conflict and collision; but it could no longer, with honor, permit its flag to be insulted, its citizens to be enslaved, and its property to be plundered, on the high way of nations.

Under these impressions, the restrictive system of the United States, was introduced. In December, 1807, an embargo was imposed upon all American vessels and merchandise;* on principles similar to those, which originated and regulated the embargo law, authorised to be laid by the president of the United States, in the year 1794: but soon afterwards, in the genuine spirit of the policy, that prescribed the measure, it was declared by law, "that in the event of such peace, or suspension of hostilities, between the belligerent powers of Europe, or such changes in their measures affecting neutral commerce, as might render that of the United States safe, in the judgment of the president of the United States, he was authorised to suspend the embargo, in whole or in part."† The pressure of the embargo

*See the act of congress passed the 22d December 1807.

†See the act of congress passed the 1st day of March, 1809.

was thought, however, so severe upon every part of the community, that the American government, notwithstanding the neutral character of the measure, determined upon some relaxation; and, accordingly, the embargo being raised, as to all other nations, a system of non-intercourse and non-importation was substituted in March, 1809, as to Great Britain and France, which prohibited all voyages to the British or French dominions, and all trade in articles of British or French product or manufacture.* But still adhering to the neutral and pacific policy of the government, it was declared, "that the president of the United States should be authorised in case either France or Great Britain, should so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States might be renewed with the nations so doing."† These appeals to the justice and the interests of the belligerent powers proving ineffectual; and the necessities of the country increasing, it was finally resolved by the American government, to take the hazards of a war; to revoke its restrictive system; and to exclude British and French armed vessels from the harbors and waters of the United States; but, again, emphatically to announce, "that in case either Great Britain or France should, before the 3d of March 1811, so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States; and if the other nation should not within three months thereafter, so revoke, or modify, her edicts, in like manner," the provisions of the non-intercourse and non-

*See the 11th section of the last cited act of congress.

†See the act of congress passed the 1st day of May, 1809.

importation law should, at the expiration of three months, be revived against the nation refusing, or neglecting, to revoke or modify its edicts.*

In the course, which the American government had hitherto pursued, relative to the belligerent orders and decrees, the candid foreigner, as well as the patriotic citizen, may perceive an extreme solicitude, for the preservation of peace; but in the publicity, and impartiality, of the overture, that was thus spread before the belligerent powers, it is impossible, that any indication should be found, of foreign influence or control. The overture was urged upon both nations for acceptance, at the same time, and in the same manner; nor was an intimation withheld, from either of them, that "it might be regarded by the belligerent first accepting it, as a promise to itself, and a warning to its enemy."† Each of the nations, from the commencement of the retaliatory system, acknowledged, that its measures were violations of public law; and each pledged itself to retract them, whenever the other should set the example.‡ Although the American government, therefore, persisted in its remonstrances against the original transgressions, without regard to the question of the priority, it embraced, with eagerness, every hope of reconciling the interests of the rival powers, with the performance of the duty which they owed to the neutral character of the United States: and when the British minister, residing at Washington, in the year 1809, affirmed, in terms as plain, and as positive, as

*See the act of congress, passed the 1st day of May, 1810.

†See the correspondence between the secretary of state, and the American ministers at London and Paris.

‡See the documents laid before congress from time to time by the president, and printed.

language could supply, "that he was authorised to declare, that his Britannic majesty's orders in council of January and November, 1807, will have been withdrawn, as it respects the United States, on the 10th of June, 1809," the president of the United States hastened, with approved liberality, to accept the declaration as conclusive evidence, that the promised fact would exist, at the stipulated period; and, by an immediate proclamation he announced, "that after the 10th of June next, the trade of the United States with Great Britain, as suspended by the non-intercourse law, and by the acts of congress laying and enforcing an embargo, might be renewed."* The American government neither asked, nor received from the British minister, an exemplification of his powers; an inspection of instructions; nor the solemnity of an order in council: but executed the compact on the part of the United States, in all the sincerity of its own intentions; and in all the confidence, which the official act of the representative of his Britannic majesty, was calculated to inspire. The act and the authority for the act, were however, disavowed by Great Britain; and an attempt was made by the successor of Erskine, through the aid of insinuations, which were indignantly repulsed, to justify the British rejection of the treaty of 1809, by referring to the American rejection of the treaty of 1806; forgetful of the essential points of difference, that the British government, on the former occasion, had been explicitly apprized by the American negociators of their defect of power; and that the exe-

*See the correspondence between Mr. Erskine, the British minister, and the secretary of state, on the 17th, 18th, and 19th of April 1809; and the president's proclamation of the last date.

cution of the projected treaty had not, on either side, been commenced.*

After this abortive attempt to obtain a just and honorable revocation of the British orders in council, the United States were again invited to indulge the hope of safety and tranquillity, when the minister of France announced to the American minister at Paris, that in consideration of the act of the first of May, 1809, by which the congress of the United States "engaged to oppose itself to that one of the belligerent powers, which should refuse to acknowledge the rights of neutrals, he was authorised to declare, that the decrees of Berlin and Milan were revoked, and that after the 1st of November, 1810, they would cease to have effect; it being understood, that in consequence of that declaration, the English should revoke their orders in council, and renounce the new principles of blockade, which they had wished to establish; or that the United States conformably to the act of congress, should cause their rights to be respected by the English."† This declaration delivered by the official organ of the government of France, and in the presence, as it were, of the French sovereign, was of the highest authority, according to all the rules of diplomatic intercourse; and certainly, far surpassed any claim of credence which was possessed by the British minister residing at Washington, when the arrangement of the year 1809, was accepted and executed by the American government. The president of the United States, therefore, owed to the consistency of his own character, and to the dictates of a sincere impartiality,

*See the correspondence betwen the secretary of state, and Mr. Jackson, the British minister.

†See the duke de Cadore's letter to Mr. Armstrong, dated the 5th of August, 1810.

a prompt acceptance of the French overture: and accordingly, the authoritative promise, that the fact should exist at the stipulated period, being again admitted as conclusive evidence of its existence, a proclamation was issued on the 2d of November, 1810, announcing "that the edicts of France had been so revoked, as that they ceased on the first day of the same month, to violate the neutral commerce of the United States; and that all the restrictions imposed by the act of congress, should then cease and be discontinued, in relation to France and her dependencies."* That France, from this epoch, refrained from all aggressions on the high seas, or even in her own ports, upon the persons and the property of the citizens of the United States, never was asserted; but on the contrary, her violence and her spoliations have been unceasing causes of complaint. These subsequent injuries, constituting a part of the existing reclamations of the United States, were, always, however, disavowed by the French government; whilst the repeal of the Berlin and Milan decrees has, on every occasion, been affirmed; insomuch that Great Britain herself was, at last, compelled to yield to the evidence of the fact.

On the expiration of three months from the date of the president's proclamation, the non-intercourse and non-importation law was, of course, to be revived against Great Britain, unless, during that period, her orders in council should be revoked. The subject was, therefore, most anxiously and most steadily pressed upon the justice and magnanimity of the British government; and even when the hope of success expired, by the lapse of the period prescribed in one act of congress, the United States opened the door of reconciliation by

*See the president's proclamation of the 2d of November, 1810.

another act, which, in the year 1811, again provided, that in case, at any time, "Great Britain should revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States; the president of the United States should declare the fact by proclamation; and that the restrictions previously imposed, should from the date of such proclamation, cease and be discontinued."* But unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn. She had at this epoch, impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated the commercial property of American citizens, to an incalculable amount. She had united in the enormities of France, to declare a great portion of the terraqueous globe in a state of blockade; chasing the American merchant flag effectually from the ocean. She had contemptuously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters of the United States. She was enjoying the emoluments of a surreptitious trade, stained with every species of fraud and corruption, which gave to the belligerent powers, the advantages of peace, while the neutral powers were involved in the evils of war. She had, in short, usurped and exercised on the water, a tyranny similar to that which her great antagonist had usurped and exercised upon the land. And, amidst all these proofs of ambition and avarice, she demanded that the victims of her usurpations and her violence, should

*See the act of congress, passed the 2d of March, 1811.

revere her as the sole defender of the rights and liberties of mankind.

When, therefore, Great Britain, in manifest violation of her solemn promises, refused to follow the example of France, by the repeal of her orders in council, the American government was compelled to contemplate a resort to arms, as the only remaining course to be pursued for its honor, its independence, and its safety. Whatever depended upon the United States themselves, the United States had performed for the preservation of peace, in resistance of the French decrees, as well as of the British orders. What had been required from France, in its relation to the neutral character of the United States, France had performed, by the revocation of its Berlin and Milan decrees. But what depended upon Great Britain, for the purposes of justice, in the repeal of her orders in council, was withheld; and new evasions were sought, when the old were exhausted. It was, at one time, alledged, that satisfactory proof was not afforded, that France had repealed her decrees against the commerce of the United States; as if such proof alone were wanting to ensure the performance of the British promise.* At another time, it was insisted, that the repeal of the French decrees, in their operation against the United States, in order to authorise a demand for the performance of the British promise, must be total, applying equally to their internal and external effects; as if the United States had either the right, or power, to impose upon France the law of her domestic institutions.† And it was, finally, insisted, in a despatch from lord Castlereagh to the British minister, residing at Washing-

*See the correspondence between Mr. Pinkney and the British government.

†See the letters of Mr. Erskine.

ton, in the year 1812, which was officially communicated to the American government, "that the decrees of Berlin and Milan must not only be repealed singly and specially, in relation to the United States; but must be repealed, also, as to all other neutral nations; and that in no less extent of a repeal of the French decrees, had the British government ever pledged itself to repeal the orders in council;"* as if it were incumbent on the United States, not only to assert her own rights, but to become the coadjutor of the British government in the gratuitous assertion of the rights of all other nations.

The congress of the United States could pause no longer. Under a deep and afflicting sense of national wrongs, and national resentments—while they postponed definitive measures with respect to France, in the expectation that the result of unclosed discussions, between the American minister at Paris, and the French government, would speedily enable them to decide, with greater advantage, on the course due to the rights, the interests, and the honor of the country;† they pronounced a deliberate and solemn declaration of war, between Great Britain and the United States on the 18th of June, 1812.

But, it is in the face of all the facts, which have been displayed, in the present narrative, that the prince regent, by his declaration of January, 1813, describes the United States as the aggressor in the war. If the act of declaring war, constitutes, in all cases, the act of original aggression, the United States must submit to the severity of re-

*See the correspondence between the secretary of state and Mr. Foster, the British minister, in June, 1812.

†See the president's message of the 1st of June, 1812: and the report of the committee of foreign relations, to whom the message was referred.

proach : but if the act of declaring war may be more truly considered, as the result of long suffering, and necessary self-defence, the American government will stand acquitted, in the sight of Heaven, and of the world. Have the United States, then, enslaved the subjects, confiscated the property, prostrated the commerce, insulted the flag, or violated the territorial sovereignty of Great Britain ? No ; but in all these respects the United States had suffered, for a long period of years, previously to the declaration of war, the contumely and outrage of the British government. It has been said, too, as an aggravation of the imputed aggression, that the United States chose a period, for their declaration of war, when Great Britain was struggling for her own existence, against a power, which threatened to overthrow the independence of all Europe: but it might be more truly said, that the United States, not acting upon choice, but upon compulsion, delayed the declaration of war, until the persecutions of Great Britain had rendered further delay destructive and disgraceful. Great Britain had converted the commercial scenes of American opulence and prosperity, into scenes of comparative poverty and distress ; she had brought the existence of the United States as an independent nation, into question ; and, surely, it must have been indifferent to the United States, whether they ceased to exist as an independent nation, by her conduct, while she professed friendship, or by her conduct, when she avowed enmity and revenge. Nor is it true, that the existence of Great Britain was in danger, at the epoch of the declaration of war. The American government uniformly entertained an opposite opinion ; and, at all times, saw more to apprehend for the United States, from her maratime power, than from the territorial power of her enemy. The event has

justified the opinion, and the apprehension. But what the United States asked, as essential to their welfare, and even as beneficial to the allies of Great Britain, in the European war, Great Britain, it is manifest, might have granted, without impairing the resources of her own strength, or the splendor of her own sovereignty; for her orders in council have been since revoked; not, it is true, as the performance of her promise, to follow, in this respect, the example of France, since she finally rested the obligation of that promise, upon the repeal of the French decrees, as to all nations; and the repeal was only as to the United States; nor as an act of national justice towards the United States; but, simply, as an act of domestic policy, for the special advantage of her own people.

The British government has, also, described the war, as a war of aggrandizement and conquest, on the part of the United States: but, where is the foundation for the charge? While the American government employed every means to dissuade the Indians, even those who lived within the territory, and were supplied by the bounty of the United States, from taking any part in the war,* the proofs were irresistable, that the enemy pursued a very different course;† and that every precaution would be necessary, to prevent the effects of an offensive alliance, between the British troops and the savages, throughout the northern frontier of the United States.—

*See the proceedings of the councils, held with the Indians, during the expedition under brig. gen. Hull; and the talk delivered by the president of the United States, to the Six Nations, at Washington, on the 8th April, 1813.

†See the documents laid before congress, on the 13th June, 1812.

The military occupation of Upper Canada was, therefore deemed indispensable to the safety of that frontier, in the earliest movements of the war, independent of all views of extending the territorial boundary of the United States. But, when war was declared, in resentment for injuries, which had been suffered upon the Atlantic, what principle of public law, what modification of civilized warfare, imposed upon the United States the duty of abstaining from the invasion of the Canadas? It was there alone, that the United States could place themselves upon equal footing of military force with Great Britain; and it was there, that they might reasonably encourage the hope of being able, in the prosecution of a lawful retaliation, "to restrain the violence of the enemy, and to retort upon him, the evils of his own injustice." The proclamations issued by the American commanders, on entering Upper Canada, have, however, been adduced, by the British negociators at Ghent, as the proofs of a spirit of ambition and aggrandizement, on the part of their government. In truth, the proclamations were not only unauthorised and disapproved, but were infractions of the positive instructions, which had been given for the conduct of the war in Canada. When the general, commanding the north western army of the United States, received, on the 24th of June, 1812, his first authority to commence offensive operations, he was especially told, "he must not consider himself authorised to pledge the government to the inhabitants of Canada, further than assurances of protection in their persons, property, and rights." And on the ensuing 1st of August, it was emphatically declared to him, "that it had become necessary, that he should not lose sight of the instructions of the 24th of June, as any pledge beyond that, was incompatible

with the views of the government."* Such was the nature of the charge of American ambition and aggrandizement, and such the evidence to support it.

The prince regent has, however, endeavored to add to those unfounded accusations, a stigma, at which the pride of the American government revolts. Listening to the fabrications of British emissaries; gathering scandals from the abuses of a free press; and misled, perhaps, by the asperities of a party spirit, common to all free governments; he affects to trace the origin of the war to "a marked partiality, in palliating and assisting the aggressive tyranny of France; and to the prevalence of such councils, as associated the United States, in policy, with the government of that nation."† The conduct of the American government is now open to every scrutiny; and its vindication is inseparable from a knowledge of the facts. All the world must be sensible, indeed, that neither in the general policy of the late ruler of France, nor in his particular treatment of the United States, could there exist any political, or rational foundation, for the sympathies and associations, overt or clandestine, which have been rudely and unfairly suggested. It is equally obvious, that nothing short of the aggressive tyranny, exercised by Great Britain towards the United States, could have counteracted and controlled those tendencies to peace and amity, which derived their impulse from natural and social causes; combining the affections and interests of the two nations. The American government,

*See the letter from the secretary of the war department, to brig. gen. Hull, dated the 24th of June, and the 1st of August, 1812.

†See the British declaration, of the 10th of January, 1813.

faithful to that principle of public law, which acknowledges the authority of all governments established *de facto*; and conforming its practice, in this respect, to the example of Europe, has never contested the validity of the governments successively established in France; nor refrained from that intercourse with either of them, which the just interests of the United States required. But the British cabinet is challenged to produce, from the recesses of its secret, or of its public archives, a single instance of unworthy concessions, or of political alliance and combination, throughout the intercourse of the United States, with the revolutionary rulers of France. Was it the influence of French councils, that induced the American government to resist the pretentions of France, in 1793, and to encounter her hostilities in 1798? that led to the ratification of the British treaty in 1795; to the British negociation in 1805, and to the convention of the British minister in 1809? that dictated the impartial overtures, which were made to Great Britain, as well as to France, during the whole period of the restrictive system? that produced the determination to avoid making any treaty, even a treaty of commerce, with France, until the outrage of the Rambouillet decree was repaired?* that sanctioned the repeated and urgent efforts of the American government, to put an end to the war, almost as soon as it was declared? or that, finally, prompted the explicit communication, which, in pursuance of instructions, was made by the American minister, at St. Petersburgh, to the court of Russia, stating, "that the principal subjects of discussion, which had long been subsisting between the United

*See the instructions from the secretary of state to the American minister at Paris, dated the 29th May, 1813.

States and France, remained unsettled; that there was no immediate prospect that there would be a satisfactory settlement of them; but that, whatever the event, in that respect might be, it was not the intention of the government of the United States to enter into any more intimate connexions with France; that the government of the United States did not anticipate any event whatever, that could produce that effect; and that the American minister was the more happy to find himself authorized by his government to avow this intention, as different representations of their views had been widely circulated, as well in Europe, as in America."* But, while every act of the American government thus falsifies the charge of a subserviency to the policy of France, it may be justly remarked, that of all the governments, maintaining a necessary relation and intercourse with that nation, from the commencement to the recent termination of the revolutionary establishments, it has happened that the government of the United States has least exhibited marks of condescension and concession to the successive rulers. It is for Great Britain, more particularly as an accuser, to examine and explain the consistency of the reproaches, which she has uttered against the United States, with the course of her own conduct; with her repeated negociations, during the republican, as well as during the imperial sway of France; with her solicitude to make and propose treaties; with her interchange of commercial benefits, so irreconcilable to a state of war; with the almost triumphant entry of a French ambassador into her capital, amidst the acclamations of the populace; and with the pros-

*See Mr. Monroe's letter to Mr. Adams, dated the 1st of July, 1812; and Mr. Adams' letter to Mr. Monroe, dated the 11th of December, 1812.

cention, instituted by the orders of the king of Great Britain himself, in the highest court of criminal jurisdiction in his kingdom, to punish the printer of a gazette, for publishing a libel on the conduct and character of the late ruler of France! Whatever may be the source of these symptoms, however they may indicate a subservient policy, such symptoms have never occurred in the United States, throughout the imperial government of France.

The conduct of the United States, from the moment of declaring the war, will serve, as well as their previous conduct, to rescue them from the unjust reproaches of Great Britain. When war was declared, the orders in council had been maintained, with inexorable hostility, until a thousand American vessels, with their cargoes, had been seized and confiscated, under their operation; the British minister at Washington had, with peculiar solemnity, announced that the orders would not be repealed, but upon conditions, which the American government had not the right, nor the power, to fulfil; and the European war, which had raged, with little intermission for twenty years, threatened an indefinite continuance. Under these circumstances, a repeal of the orders, and a cessation of the injuries, which they produced, were events beyond all rational anticipation. It appears, however, that the orders, under the influence of a parliamentary enquiry into their effects upon the trade and manufactures of Great Britain, were provisionally repealed on the 23d of June, 1812, a few days subsequent to the American declaration of war. If this repeal had been made known to the United States, before their resort to arms, the repeal would have arrested it; and that cause of war being removed, the other essential cause, the practice of impressment, would have been the subject of renewed ne-

gociation, under the auspicious influence of a partial, yet important act of reconciliation. But the declaration of war, having announced the practice of impressment, as a principal cause, peace could only be the result of an express abandonment of the practice; of a suspension of the practice for the purposes of negociation; or of a cessation of actual sufferance, in consequence of a pacification in Europe, which would deprive Great Britain of every motive for continuing the practice.

Hence, when early intimations were given, from Halifax and from Canada, of a disposition, on the part of the local authorities, to enter into an armistice, the power of those authorities was so doubtful, the objects of the armistice were so limited, and the immediate advantages were so entirely on the side of the enemy, that the American government could not, consistently with its duty, embrace the propositions.* But some hope of an amicable adjustment was inspired, when a communication was received from admiral Warren, in September, 1812, stating that he was commanded by his government, to propose on the one hand "that the government of the United States should instantly, recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever, against the territories of his majesty, or the persons and property of his subjects;" and to promise, on the other hand, if the American government acquiesced in the preceding prop-

*See letters from the department of state to Mr. Russell, dated the 9th and 10th of August, 1812, and Mr. Graham's memorandum of a conversation with Mr. Baker, the British secretary of legation enclosed in the last letter. See also, Mr. Monroe's letter to Mr. Russell, dated the 21st of August, 1812.

osition, that instructions should be issued to the British squadrons, to discontinue hostilities against the United States and their citizens. This overture, however, was subject to a further qualification, "that should the American government accede to the proposal for terminating hostilities, the British admiral was authorised to arrange with the American government, as to the revocation of the laws, which interdict the commerce and ships of war of Great Britain from the harbors and waters of the United States; but that in default of such revocation, within the reasonable period to be agreed upon, the orders in council would be revived."* The American government, at once, expressed a disposition to embrace the general proposition for a cessation of hostilities, with a view to negociation; declared that no peace could be durable, unless the essential object of impressment was adjusted; and offered as the basis of the adjustment, to prohibit the employment of British subjects in the naval or commercial service of the United States; but adhering to its determination of obtaining a relief from actual sufferance, the suspension of the practice of impressment, pending the proposed armistice, was deemed a necessary consequence; for "it could not be presumed, while the parties were engaged in a negociation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice, of the opposite party; or that Great Britain would be willing to restrain her cruizers from a practice, which would have the strongest effect to defeat the negociation."† So just, so reasonable,

*See the letter of admiral Warren to the secretary of state, dated at Halifax, the 20th of September, 1812.

†See the letter of Mr. Monroe to admiral Warren, dated the 27th of October, 1812.

so indispensable, a preliminary, without which the citizens of the United States, navigating the high seas, would not be placed, by the armistice, on an equal footing with the subjects of Great Britain, admiral Warren was not authorised to accept; and the effort at an amicable adjustment, through that channel, was necessarily abortive.

But long after the overture of the British admiral was made (a few days, indeed, after the declaration of war) the reluctance with which the United States had resorted to arms, was manifested by the steps taken to arrest the progress of hostilities, and to hasten a restoration of peace. On the 26th of June, 1812, the American charge d'affaires, at London, was instructed to make the proposal of an armistice to the British government, which might lead to an adjustment of all differences, on the single condition, in the event of the orders in council being repealed, that instructions should be issued, suspending the practice of impressment during the armistice. This proposal was soon followed by another, admitting, instead of positive instructions, an informal understanding between the two governments on the subject.* Both of these proposals were unhappily rejected.† And when a third, which seemed to have no plea for hesitation, as it required no other preliminary, than that the American minister at London should find in the British government, a sincere disposition to accommodate the difference, relative to impressment, on fair conditions, was evaded, it was obvious, that neither a desire of peace, nor

*See the letters from the secretary of state to Mr. Russell, dated the 26th of June, and the 27th of July, 1812.

†See the correspondence between Mr. Russell and lord Castlereagh, dated August and September, 1812. —and Mr. Russell's letters to the secretary of state, dated September, 1812.

a spirit of conciliation, influenced the councils of Great Britain.

Under these circumstances the American government had no choice, but to invigorate the war; and yet it has never lost sight of the object of all just wars, a just peace. The emperor of Russia having offered his mediation to accomplish that object, it was instantly and cordially accepted by the American government;* but it was peremptorily rejected by the British government. The emperor, in his benevolence, repeated his invitation; the British government again rejected it. At last, however, Great Britain, sensible of the reproach, to which such conduct would expose her throughout Europe, offered to the American government a direct negociation for peace, and the offer was promptly embraced; with perfect confidence, that the British government would be equally prompt in giving effect to its own proposal. But such was not the design or the course of that government. The American envoys were immediately appointed, and arrived at Gottenburgh, the destined scene of negociation, on the 11th of April, 1814, as soon as the season admitted. The British government, though regularly informed, that no time would be lost, on the part of the United States, suspended the appointment of its envoys, until the actual arrival of the American envoys should be formally communicated. This pretension, however novel and inauspicious, was not permitted to obstruct the path to peace. The British government next proposed to transfer the negociation from Gottenburgh to Ghent. This change, also, notwithstanding the necessary delay, was allowed. The American envoys arriving at Ghent on the 24th of June, remained in a mortifying state of suspense and expectation for

*See the correspondence between Mr. Monroe and Mr. Daschkoff, in March, 1813.

the arrival of the British envoys until the 6th of August. And from the period of opening the negociations, to the date of the last despatch of the 31st of October, it has been seen that the whole of the diplomatic skill of the British government has consisted in consuming time, without approaching any conclusion. The pacification of Paris had suddenly and unexpectedly placed at the disposal of the British government a great naval and military force; the pride and passions of the nation were artfully excited against the United States; and a war of desperate and barbarous character was planned, at the very moment that the American government, finding its maritime citizens relieved by the course of events, from actual sufferance, under the practice of impressment, had authorised its envoys to wave those stipulations upon the subject, which might otherwise have been indispensable precautions.

Hitherto the American government has shewn the justice of its cause; its respect for the rights of other nations; and its inherent love of peace. But the scenes of war will also exhibit a striking contrast, between the conduct of the United States and the conduct of Great Britain. The same insidious policy which taught the Prince Regent to describe the American government as the aggressor in the war, has induced the British government (clouding the daylight truth of the transaction) to call the atrocities of the British fleet and armies, a retaliation upon the example of the American troops in Canada. The United States tender a solemn appeal to the civilized world against the fabrication of such a charge; and they vouch, in support of their appeal, the known morals, habits and pursuits of their people; the character of their civil and political institutions; and the whole career of their navy

and their army, as humane as it is brave. Upon what pretext did the British admiral, on the 18th of August, 1814, announce his determination, "to destroy and lay waste such towns and districts upon the coast as might be found assailable?"* It was the pretext of a request from the governor-general of the Canadas, for aid to carry into effect measures of retaliation; while, in fact, the barbarous nature of the war had been deliberately settled and prescribed by the British cabinet. What could have been the foundation of such a request? The outrages and the irregularities, which too often occur during a state of national hostilities, in violation of the laws of civilized warfare, are always to be lamented, disavowed, and repaired by a just and honorable government; but if disavowal be made, and if reparation be offered, there is no foundation for retaliatory violence. "Whatever unathorised irregularity may have been committed by any of the troops of the United States, the American government has been ready, upon principles of sacred and eternal obligation, to disavow, and as far as it might be practicable to repair."† In every known instance (and they are few) the offenders have been subjected to the regular investigation of a military tribunal; and an officer, commanding a party of stragglers, who were guilty of unworthy excesses, was immediately dismissed, without the form of a trial, for not preventing those excesses. The destruction of the village of Newark, adjacent to Fort George, on the 10th of December, 1813, was long subsequent to the pillage and conflagration committed on the

*See admiral Cochrane's letter to Mr. Monroe, dated the 18th of August, 1814; and Mr. Monroe's answer of the 6th September, 1814.

†See the letter from the secretary at war to brigadier general M'Lure, dated the 4th of October, 1813.

shores of the Chesapeake, throughout the summer of the same year; and might fairly have been alleged as a retaliation for those outrages; but, in fact, it was justified by the American commander, who ordered it, on the ground, that it became necessary to the military operations at that place;* while the American government, as soon as it heard of the act, on the 6th of January, 1814, instructed the general commanding the northern army, "to disavow the conduct of the officer who committed it, and to transmit to governor Prevost, a copy of the order, under color of which that officer had acted."† This disavowal was accordingly communicated; and on the 10th of February, 1814, governor Prevost answered, "that it had been with great satisfaction, he had received the assurance, that the perpetration of the burning of the town of Newark, was both unauthorised by the American government, and abhorrent to every American feeling; that if any outrages had ensued the wanton and unjustifiable destruction of Newark, passing the bounds of just retaliation, they were to be attributed to the influence of irritated passions, on the part of the unfortunate sufferers by that event, which, in a state of active warfare, it has not been possible altogether to restrain; and that it was as little congenial to the disposition of his majesty's government, as it was to that of the government of the United States, deliberately to adopt any policy, which had for its object the devastation of private property."‡ But the disa-

*General M'Lure's letters to the secretary at war, dated December 10 and 13, 1813.

†See the letter from the secretary at war to major-general Wilkinson, dated the 26th of January, 1814.

‡See the letter of major general Wilkinson to sir George Prevost, dated the 28th of January, 1814; and the answer of sir Geo. Prevost on the 10th Feb. 1814.

vowal of the American government was not the only expiation of the offence committed by its officer; for the British government assumed the province of redress in the indulgence of its own vengeance. A few days after the burning of Newark, the British and Indian troops crossed the Niagara for this purpose; they surprised and seized Fort Niagara, and put its garrison to the sword; they burnt the villages of Lewiston, Manchester, Tuscarora, Baffalo and Black Rock; slaughtering and abusing the unarmed inhabitants; until, in short, they had laid waste the whole of the Niagara frontier, levelling every house and every hut, and dispersing, beyond the means of shelter, in the extremity of winter, the male and the female, the old and the young. Sir George Prevost himself appears to have been sated with the ruin and the havoc which had been thus inflicted. In his proclamation of the 12th of January, 1814, he emphatically declared, that for the burning of Newark, "the opportunity of punishment had occured, and a full measure of retaliation had taken place;" and "that it was not his intention to pursue further a system of warfare, so revolting to his own feelings, and so little congenial to the British character, unless the future measures of the enemy should compel him again to resort to it."* Nay, with this answer to the American general, already mentioned, he transmitted "a copy of that proclamation, as expressive of the determination, as to his future line of conduct; and added, "that he was happy to learn, that there was no probability, that any measures on the part of the American government would oblige him to depart from it."†

*See sir George Prevost's proclamation, dated at Quebec, the 12th of January 1814.

†See the letter of sir George Prevost to general Wilkinson, dated the 10th of February, 1814; and the British general orders, of the 22d of February, 1814.

Where, then, shall we search for the foundation of the call upon the British admiral, to aid the governor of Canada in measures of retaliation? Great Britain forgot the principle of retaliation, when her orders in council were issued against the unoffending neutral, in resentment of outrages committed by her enemy; and surely, she had again forgotten the same principle, when she threatened an unceasing violation of the laws of civilized warfare, in retaliation for injuries which never existed, or which the American government explicitly disavowed, or which had been already avenged by her own arms, in a manner and a degree cruel and unparalleled. The American government, after all, has not hesitated to declare, that "for the reparation of injuries, of whatever nature they may be, not sanctioned by the law of nations, which the military or naval force of either power might have committed against the other, it would always be ready to enter into reciprocal arrangements; presuming that the British government would neither expect nor propose any which were not reciprocal."*

It is now, however, proper to examine the character of the warfare, which Great Britain has waged against the United States. In Europe, it has already been marked, with astonishment and indignation, as a warfare of the tomahawk, the scalping knife and the torch; as a warfare, incompatible with the usages of civilized nations; as a warfare, that, disclaiming all moral influence, inflicts an outrage upon social order, and gives a shock to the elements of humanity. All belligerent nations can form alliances with the savage, the African, and the blood-hound: but what civilized nation has selected these auxiliaries in its hostilities? It does not require the fleets and armies of Great Britain to lay waste an open country; to burn

*See Mr. Monroe's letter to admiral Cochrane, dated the 6th of September, 1814.

unfortified towns, or unprotected villages; nor to plunder the merchant, the farmer, and the planter of his stores—these exploits may easily be achieved by a single cruiser, or a petty privateer; but when have such exploits been performed on the coasts of the continent of Europe, or of the British islands, by the naval and military force of any belligerent power; or when have they been tolerated by any honorable government, as the predatory enterprise of armed individuals? Nor, is the destruction of the public edifices, which adorn the metropolis of a country, and serve to commemorate the taste and science of the age, beyond the sphere of action of the vilest incendiary, as well as of the most triumphant conqueror. It cannot be forgotten, indeed, that in the course of ten years past, the capitals of the principal powers of Europe have been conquered, and occupied alternately, by the victorious armies of each other;* and yet there has been no instance of a conflagration of the palaces, the temples or the halls of justice. No: such examples have proceeded from Great Britain alone: a nation so elevated in its pride; so awful in its power; and so affected in its tenderness for the liberties of mankind! The charge is severe; but let the facts be adduced.

1. Great Britain has violated the principles of social law, by insidious attempts to excite the citizens of the United States into acts of contumacy, treason, and revolt against their government. For instance:

No sooner had the American government imposed the restrictive system upon its citizens, to escape from the rage and the depredation of the belligerent powers, than the British government, then professing amity towards the United States,

†See Mr. Monroe's letter to admiral Cochrane, dated the 6th of Sept. 1814.

issued an order, which was, in effect, an invitation to the American citizens to break the laws of their country, under a public promise of British protection and patronage, "to all vessels which should engage in an illicit trade, without bearing the customary ship's documents and papers."*

Again: During a period of peace, between the United States and Great-Britain, in the year 1809, the governor general of the Canadas employed an agent (who had previously been engaged in a similar service, with the knowledge and approbation of the British cabinet) "on a secret and confidential mission," into the United States, declaring, "that there was no doubt, that his able execution, of such a mission, would give him a claim, not only on the governor general, but on his majesty's ministers."—The object of the mission was to ascertain, whether there existed a disposition on the part of the citizens, "to bring about a separation of the eastern states from the general union; and how far, in such an event, they would look up to England for assistance, or be disposed to enter into a connection with her." The agent was instructed "to insinuate, that if any of the citizens should wish to enter into a communication with the British government, through the governor general, he was authorised to receive such communication; and that he would safely transmit it to the governor general."† He was accredited by a formal instrument, under the seal and signature of the governor general, to be produced, "if he saw good ground for expecting that the doing so might lead to a more confidential communication, than he

*See the instructions to the commanders of British ships of war and privateers, dated the 11th of April, 1808.

†See the letter of Mr. Ryland, the secretary of the governor general, to Mr. Henry, dated the 26th of January, 1809.

could otherwise look for ;" and he was furnished with "a cypher for carrying on the secret correspondence."* The virtue and patriotism of the citizens of the United States were superior to the arts and corruption, employed in this secret and confidential mission, if it ever was disclosed to any of them ; and the mission itself terminated, as soon as the arrangement with Mr. Erskine was announced.† But, in the act of recalling the secret emissary, he was informed, "that the whole of his letters were transcribing to be sent home, where they could not fail of doing him great credit, and it was hoped they might eventually contribute to his permanent advantage."‡ To endeavor to realize that hope, the emissary proceeded to London ; all the circumstances of his mission were made known to the British minister ; his services were approved and acknowledged ; and he was sent to Canada, for a reward ; with a recommendatory letter from lord Liverpool to sir George Prevost, "stating his lordship's opinion of the ability and judgment which Mr. Henry had manifested on the occasions mentioned in his memorial, (his secret and confidential missions,) and of the benefit the public service must derive from his active employment, in any public situation, in which sir George Prevost might think proper to place him.§ The world will judge upon these facts, and the rejection of a parliamentary call, for the production of the papers relating to them, what credit is due to the prince regent's assertion, "that Mr.

*See the letter of sir James Craig, to Mr. Henry, dated Feb. 6, 1809.

†See the same letter, and Mr. Ryland's letter of the 26th of January, 1809.

‡See Mr. Ryland's letter, dated the 26th of June, 1809.

§See the letter from lord Liverpool to sir George Prevost, dated the 16th of Sept. 1811.

Henry's mission was undertaken, without the authority or even knowledge of his majesty's government." The first mission was certainly known to the British government, at the time it occurred; for the secretary of the governor general expressly states, that the information and political observations, heretofore received from Mr. Henry, were transmitted by his excellency to the secretary of state, who had expressed his particular approbation of them;"* the second mission was approved when it was known; and it remains for the British government to explain, upon any established principles of morality and justice, the essential difference between ordering the offensive acts to be done; and reaping the fruit of those acts, without either expressly, or tacitly, condemning them.

Again: These hostile attempts upon the peace and union of the United States, preceding the declaration of war, have been followed by similar machinations, subsequent to that event. The governor general of the Canadas has endeavored, occasionally, in his proclamations and general orders, to dissuade the militia of the United States, from the performance of the duty which they owed to their injured country; and the efforts, at Quebec and Halifax, to kindle the flame of civil war, have been as incessant, as they have been insidious and abortive. Nay, the governor of the island of Barbadoes, totally forgetful of the boasted article of the British magna charta, in favor of foreign merchants, found within the British dominions, upon the breaking out of hostilities, resolved that every American merchant, within his jurisdiction at the declaration of war, should at once, be treated as a prisoner of war; because every citizen of the United States was

*See Mr. Ryland's letter of the 26th of Jan. 1809.

enrolled in the militia; because the militia of the United States were required to serve their country beyond the limits of the state, to which they particularly belonged; and because the militia of "all the states, which had acceded to this measure, were, in the view of sir George Beckwith, acting as a French conscription."*

Again: Nor was this course of conduct confined to the colonial authorities. On the 26th of October, 1812, the British government issued an order in council, authorizing the governors of the British West India islands, to grant licenses to American vessels, for the importation and exportation of certain articles, enumerated in the order; but in the instructions which accompanied the order, it was expressly provided, that "whatever importations were proposed to be made, from the United States of America, should be by licenses, confined to the ports of the eastern states exclusively, unless there was reason to suppose, that the object of the order would not be fulfilled, if licenses were not granted, for importations from the other ports of the United States."†

The president of the United States has not hesitated to place before the nation, with expressions of a just indignation, "the policy of Great Britain thus proclaimed to the world; introducing into her modes of warfare, a system equally distinguished by the deformity of its features, and the depravity of its character; and having for its object, to dissolve the ties of allegiance, and the sentiments of loyalty, in the adversary nation; and

*See the remarkable state paper issued by gov. Beckwith, at Barbadoes, on the 13th of Nov. 1812.

†See the proclamation of the gov. of Bermuda, of Jan 14, 1814; and the instructions from the British secretary for foreign affairs, dated November 9, 1812.

to seduce and separate its component parts, the one from the other."‡

2. Great Britain has violated the laws of humanity and honor, by seeking alliances, in the prosecution of the war, with savages, pirates and slaves.

The British agency, in exciting the Indians, at all times, to commit hostilities upon the frontier of the United States, is too notorious, to admit of a direct and general denial. It has sometimes, however, been said, that such conduct was unauthorized by the British government; and the prince regent, seizing the single instance of an intimation, alleged to be given, on the part of sir James Craig, governor of the Canadas, that an attack was meditated by the Indians, has affirmed, that "the charge of exciting the Indians to offensive measures against the United States, was void of foundation; that before the war began, a policy the most opposite had been uniformly pursued; and that proof of this was tendered by Mr. Foster to the American government.† But is it not known in Europe, as well as in America, that the British Northwest Company maintain a constant intercourse of trade and council with the Indians; that their interests are often in direct collision with the interests of the inhabitants of the United States, and that by means of the inimical dispositions, and the active agencies of the company, (seen, understood, and tacitly sanctioned by the local authorities of Canada) all the

‡See the message from the president to congress, dated the 24th of February, 1813.

†See the prince regent's declaration of the 10th of January, 1813.

See, also, Mr. Foster's letters to Mr. Monroe, dated the 28th Dec. 1811, and the 7th and 8th June, 1812; and Mr. Monroe's answer, dated the 9th of January, 1812, and the 10th of June, 1812; and the documents which accompanied the correspondence.

evils of an Indian war may be shed upon the United States, without the authority of a formal order, emanating immediately from the British government? Hence, the American government, in an answer to the evasive protestations of the British minister, residing at Washington, frankly communicated the evidence of British agency, which had been received at different periods since the year 1807; and observed, "that whatever may have been the disposition of the British government, the conduct of its subordinate agents had tended to excite the hostility of the Indian tribes towards the United States; and that in estimating the comparative evidence on the subject, it was impossible not to recollect the communication lately made, respecting the conduct of Sir James Craig, in another important transaction (the employment of Mr. Henry, as an accredited agent, to alienate and detach the citizens of a particular section of the Union, from their government)which, it appeared, was approved by lord Liverpool."*

The proof, however, that the British agents and military officers were guilty of the charge thus exhibited, became conclusive, when, subsequent to the communication which was made to the British minister, the defeat and flight of general Proctor's army, on the of placed in the possession of the American commander, the correspondence and papers of the British officers. Selected from the documents which were obtained upon that occasion, the contents of a few letters will serve to characterize the whole of the mass. In these letters, written by Mr. M'Kee, the British agent, to colonel England, the commander of the British troops, superscribed, "on his majesty's service," and dated during the months of Ju-

*See Mr. Monroe's letter to Mr. Foster, dated the 10th of June, 1812.

ly and August, 1794, the period of general Wayne's successful expedition against the Indians, it appears that the scalps taken by the Indians were sent to the British establishment at the rapids of the Miami ;* that the hostile operations of the Indians were concerted with the British agents and officers ;† that when certain tribes of Indians "having completed the belts they carried with scalps and prisoners, and being without provisions, resolved on going home, it was lamented that his majesty's posts would derive no security from the late great influx of Indians into that part of the country, should they persist in their resolution of returning so soon ;"‡ that "the British agents were immediately to hold a council at the Glaze, in order to try if they could prevail with the Lake Indians to remain ; but that without provisions and ammunition being sent to that place, it was conceived to be extremely difficult to keep them together ;"§ and that "colonel England was making great exertions to supply the Indians with provisions."‖ But the language of the correspondence becomes at length so plain and direct, that it seems impossible to avoid the conclusion of a governmental agency, on the part of Great Britain, in advising, aiding, and conducting the Indian war, while she professed friendship and peace towards the U. States. "Scouts are sent, (says Mr. M'Kee to colonel England) to view the situation of the American army ; and *we now muster one thousand Indians.* All the Lake Indians, from Sugana

* See the letter from Mr. M'Kee to colonel England, dated the 2d of July, 1794.

† See the letter from the same to the same, dated the 5th of July, 1794.

‡ See the same letter. § See the same letter.

‖ See the same letter.

downwards, should not lose one moment in joining their brethren, as every accession of strength is an addition to their spirits."* And again: "I have been employed several days in endeavoring to fix the Indians, who have been driven from their villages and cornfields, between the fort and the bay. Swan Creek is generally agreed upon, and will be a very convenient place for the delivery of provisions, &c."† Whether, under the various proofs of the British agency, in exciting Indian hostilities against the United States, in a time of peace, presented in the course of the present narrative, the prince regent's declaration, that, "before the war began, a policy the most opposite had been uniformly pursued," by the British government,‡ is to be ascribed to a want of information, or a want of candor, the American government is not disposed, more particularly to investigate.

But, independent of these causes of just complaint, arising in a time of peace, it will be found, that when the war was declared, the alliance of the British government with the Indians, was avowed upon principles the most novel, producing consequences the most dreadful. The savages were brought into the war, upon the ordinary footing of allies, without regard to the inhuman character of their warfare; which neither spares age nor sex; and which is more desperate towards the captive, at the stake, than towards the combatant in the field. It seemed to be a stipulation of the compact, between the allies, that

* See the letter from Mr. M'Kee to colonel England, dated the 13th of August, 1794.

†See the letter from the same to the same, dated the 30th of August, 1794.

‡See the prince regent's declaration of the 10th of January, 1813.

the British might imitate, but should not control the ferocity of the savages. While the British troops behold, without compunction, the tomahawk and the scalping knife, brandished against prisoners, old men and children, and even against pregnant women, and while they exultingly accept the bloody scalps of the slaughtered Americans,*the Indian exploits in battle, are recounted and applauded by the British general orders. Rank and station are assigned to them, in the military movements of the British army; and the unhallowed league was ratified, with appropriate emblems, by intertwining an American scalp, with the decorations of the mace, which the commander of the northern army of the United States found in the legislative chamber of York, the capital of Upper Canada.

In the single scene, that succeeded the battle of Frenchtown, near the river Raisin, where the American troops were defeated by the allies, under the command of general Proctor, there will be found concentrated, upon indisputable proof, an illustration of the horrors of the warfare, which Great Britain has pursued, and still pursues, in co-operation with the savages of the south, as well as with the savages of the north. The American army capitulated on the 22d January, 1813; yet, after the faith of the British commander had been pledged, in the terms of the capitulation; and while the British officers and soldiers silently and exultingly contemplated the scene, some of the American prisoners of war were tomahawked, some were shot, and some were burnt. Many of the unarmed inhabitants of the Michigan territory were massacred; their property was plundered, and their houses were

*See the letter from the American general Harrison to the British general Proctor.

destroyed.* The dead bodies of the mangled Americans were exposed, unburied, to be devoured by dogs and swine; "because, as the British officers declared, the Indians would not permit the interment;"† and some of the Americans, who survived the carnage, had been extricated from danger, only by being purchased at a price as a part of the booty belonging to the Indians. But, to complete this dreadful view of human depravity and human wretchedness, it is only necessary to add, that an American physician, who was dispatched with a flag of truce, to ascertain the situation of his wounded brethren, and two persons, his companions, were intercepted by the Indians, in their humane mission; the physician, after being wounded, and one of his companions, were made prisoners; and the third person of the party was killed.‡

But the savage, who had never known the restraints of civilized life, and the pirate, who had broken the bonds of society, were alike the objects of British conciliation and alliance, for the purposes of an unparalleled warfare. A horde of pirates and outlaws had formed a confederacy and establishment on the island of Barrataria, near the mouth of the river Missisippi. Will Europe believe, that the commander of the British forces, addressed the leader of the confederacy, from the neutral territory of Pensacola, "calling upon him, with his brave followers, to enter into

*See the report of the committee of house of representatives, on the 31st of July, 1812; and the depositions and documents accompanying it.

†See the official report of Mr. Baker, the agent for the prisoners, to brigadier general Winchester, dated the 26th February, 1813.

‡In addition to this description of savage warfare under British auspices, see the facts contained in the correspondence between gen. Harrison and gen. Drummond.

the service of Great Britain, in which he should have the rank of captain; promising that lands should be given to them all, in proportion to their respective ranks, on a peace taking place; assuring them, that their property should be guaranteed, and their persons protected; and asking, in return, that they would cease all hostilities against Spain, or the allies of Great Britain, and place their ships and vessels under the British commanding officer on that station, until the commander in chief's pleasure should be known, with a guarantee of their fair value at all events."* There wanted only to exemplify the debasement of such an act, the occurrence, that the pirate should spurn the proffered alliance; and, accordingly, Lafitte's answer was indignantly given, by a delivery of the letter, containing the British proposition, to the American governor of Louisiana.

There were other sources, however, of support, which Great Britain was prompted by her vengeance to employ, in opposition to the plainest dictates of her own colonial policy. The events which have extirpated or dispersed the white population of St. Domingo, are in the recollection of all men. Although British humanity might not shrink, from the infliction of similar calamities upon the southern states of America, the danger of that course, either as an incitement to revolt, of the slaves of the British islands, or as a cause of retaliation, on the part of the United States, ought to have admonished her against its adoption. Yet, in a formal proclamation issued by the commander in chief of his Britannic majesty's squadrons, upon the American station, the slaves

*See the letter addressed by Edward Nichols, lieut. colonel, commanding his Britannic majesty's force in the the Floridas, to Monsieur Lafite, or the commandant at Barrataria, dated the 31st of August, 1814.

of the American planters were invited to join the British standard, in a covert phraseology, that afforded but a slight veil for the real design.—Thus, admiral Cochrane, reciting, "that it had been represented to him, that many persons now resident in the United States, had expressed a desire to withdraw therefrom, with a view to enter into *his majesty's service*, or of being received as *free settlers* into some of his majesty's colonies," proclaimed, that "all those who might be disposed to emigrate from the United States, would be, with their families, received on board of his majesty's ships or vessels of war, or at the military posts that might be established upon or near the coast of the United States, when they would have their choice of either entering into his majesty's sea or land forces, or of being sent as *free settlers* to the British possessions in North America, or the West Indies, where they would meet all due encouragement."* But even the negroes seem, in contempt or disgust, to have resisted the solicitation; no rebellion or massacre ensued; and the allegation, often repeated, that in relation to those who were seduced, or forced, from the service of their masters, instances have occcurred of some being afterwards transported to the British West India islands, and there sold into slavery, for the benefit of the captors, remains without contradiction. So complicated an act of injustice, would demand the reprobation of mankind. And let the British government, which profess a just abhorrence of the African slave trade; which endeavors to impose, in that respect, restraints upon the policy of France, Spain and Portugal; answer, if it can, the solemn charge against their faith and their humanity.

*See admiral Cochrane's proclamation, dated at Bermuda, the 2d of April, 1814.

3. Great Britain has violated the laws of civilized warfare, by plundering private property; by outraging female honor; by burning unprotected cities, towns, villages and houses; and by laying waste whole districts of an unresisting country.

The menace and the practice of the British naval, and military force, "to destroy and lay waste such towns and districts upon the American coast, as might be found assailable," have been executed upon the pretext of retaliation, for the wanton destruction committed by the American army in Upper Canada;† but the fallacy of the pretext has already been exposed. It will be recollected, however that the act of burning Newark was instantaneously disavowed by the American government; that it occured in December, 1813—and that sir George Prevost himself acknowledged, on the 10th of February, 1814, that the measure of retaliation for all previously imputed misconduct of the American troops, was then full and complete.‡ Between the month of February, 1814, when that acknowledgement was made, and the month of August, 1814, when the British admiral's denunciation was issued, what are the outrages upon the part of the American troops in Canada, to justy a call for retaliation? No: it was the system, not the incident, of the war—and intelligence of the system had been received at Washington, from the American agents in Europe, with reference to the operation, of admiral Warren upon the shores of the Chesapeake, long before admiral Cochrane had succeeded to the command of the British fleet on the American station.

†See admiral Cochrane's letter to Mr. Monroe, dated August 18, 1814.

‡See sir George Prevost's letter to general Wilkinson, dated the 10th of February, 1814.

As an appropriate introduction to the kind of war, which Great Britain intended to wage against the inhabitants of the United States, transactions occurred in England, under the avowed direction of the government itself, that could not fail to wound the moral sense of every candid and generous spectator. All the officers and mariners of American merchant ships, who, having lost their vessels in other places, had gone to England on the way to America; or who had been employed in British merchant ships, but were desirous of returning home, or who had been detained in consequence of the condemnation of their vessels under the British orders in council; or who had arrived in England, through any of the other casualities of the seafaring life; were condemned to be treated as prisoners of war; nay, some of them were actually impressed, while soliciting their passports; although not one of their number had been, in any way, engaged in hostilities against Great Britain; although the American government had afforded every facility to the departure of the same class, as well as of every other class, of British subjects, from the United States, for a reasonable period after the declaration of war.* But this act of injustice, for which even the pretext of retaliation has not been advanced, was accompanied by another still greater cruelty and oppression. The American seamen, who had been enlisted or impressed, into the naval service of Great Britain, were long retained, and many of them are yet retained, on board of British ships of war, where they are compelled to combat against their country and against their

*See Mr. Beasley's correspondence with the British government, in October, November, and Dec. 1812.

See, also, the act of congress, passed the 6th of July 1812.

friends : and even when the British government tardily and reluctantly recognized the citizenship of impressed Americans, to a number exceeding 1000 at a single naval station, and dismissed them from its service on the water ; it was only to immure them as prisoners of war on the shore.— These unfortunate persons, who had passed into the power of the British government, by a violation of their own rights and inclinations, as well as of the rights of their country, and who could only be regarded as the spoils of unlawful violence, were, nevertheless, treated as the fruits of lawful war. Such was the indemnification, which Great Britain offered for the wrongs, that she had inflicted ; and such the reward, which she bestowed, for the services that she had received.†

Nor has the spirit of British warfare been confined to violations of the usages of civilized nations, in relation to the United States. The system of blockade, by orders in council, has been revived ; and the American coast, from Maine to Louisiana, has been declared by the proclamation of a British admiral, to be in a state of blockade, which every day's observation proves to be, practically, ineffectual, and which, indeed, the whole of the British navy would be unable to enforce and maintain.‡ Neither the orders in council, acknowledged to be generally unlawful, and declared to be merely retaliatory upon France ; nor the Berlin and Milan decrees, which placed the British islands in a state of blockade, without the force of a single squadron to maintain it ; were, in principle, more injurious to the rights of neu-

†See the letter from Mr. Beasley, to Mr. M'Leay, dated the 12th of March, 1816.

‡See the successive blockades announced by the British government, and the successive naval commanders on the American station.

tral commerce, than the existing blockade of the United States. The revival, therefore, of the system, without the retaliatory pretext, must demonstrate to the world, a determination on the part of Great Britain, to acquire a commercial monopoly, by every demonstration of her naval power. The trade of the United States with Russia, and with other northern powers, by whose governments no edicts, violating neutral rights, had been issued, was cut off by the operation of the British orders in council of the year 1807, as effectually as their trade with France and her allies, although the retaliatory principle was totally inapplicable to the case. And the blockade of the year 1814, is an attempt to destroy the trade of those nations, and indeed, of all the other nations of Europe, with the United States; while Great Britain, herself, with the same policy and ardor, that marked her illicit trade with France, when France was her enemy, encourages a clandestine traffic between her subjects and the American citizens, wherever her possessions come in contact with the territory of the United States.

But approaching nearer to the scenes of plunder and violence, of cruelty and conflagration, which the British warfare exhibits on the coasts of the United States, it must be again asked, what acts of the American government, of its ships of war, or of its armies, had occurred, or were even alleged, as a pretext for the perpetration of this series of outrages? It will not be asserted, that they were sanctioned by the usages of modern war; because the sense of all Europe would revolt at the assertion. It will not be said, that they were the unauthorized excesses of the British troops; because scarcely an act of plunder and violence, of cruelty and conflagration, has been committed, except in the immediate presence, under the positive orders, and with the

personal agency, of British officers. It must not be again insinuated, that they were provoked by the American example; because it has been demonstrated, that all such insinuations are without color, and without proof. And, after all, the dreadful and disgraceful progress of the British arms, will be traced, as the effect of that animosity, arising out of recollections connected with the American revolution, which has already been noticed; or, as the effect of that jealousy, which the commercial enterprise, and native resources, of the United States, are calculated to excite, in the councils of a nation, aiming at universal dominion upon the ocean.

In the month of April, 1813, the inhabitants of Poplar island, in the bay of Chesapeake, were pillaged; and the cattle, and other live stock of the farmers, beyond what the enemy could remove, were wantonly killed.*

In the same month of April, the wharf, the store, and the fishery, at Frenchtown landing, were destroyed, and the private stores, and store houses, in the village of Frenchtown, were burnt.†

In the same month of April, the enemy landed repeatedly on Sharp's island, and made a general sweep of the stock, affecting, however, to pay for a part of it.‡

On the 3d day of May, 1813, the town of Havre de Grace was pillaged and burnt, by a force under the command of admiral Cockburn. The British officers, being admonished, "that with civilized nations at war, private property had always been respected," hastily replied, "that as the Americans wanted war, they should now feel its effects; and that the town should be laid

*See the deposition of William Sears.

†See the deposition of Frisby Anderson and Cordelia Pennington.

‡See Jacob Gibson's deposition.

in ashes." They broke the windows of the church; they purloined the houses of the furniture; they stripped women and children of their clothes; and when an unfortunate female complained, that she could not leave her house with her little children, she was unfeelingly told, "that her house should be burnt with herself and children in it."*

On the 6th of May, 1813, Fredericktown and Georgetown, situated on Sassafras river, in the state of Maryland, were pillaged and burnt, and the adjacent country was laid waste, by a force under the command of admiral Cockburn; and the officers were the most active on the occasion.†

On the 22d of June, 1813, the British forces made an attack on Craney Island, with a view to take possession of Norfolk, which the commanding officers had promised in case of success, to give up to the plunder of the troops.‡ The British were repulsed; but enraged by defeat and disappointment, their course was directed to Hampton, which they entered on the of June. The scene, that ensued, exceeds all power of description; and a detail of facts would be offensive to the feelings of decorum, as well as of humanity. "A defenceless and unresisting town was given up to indiscriminate pillage; though civilized war tolerates this only, as to fortified places carried by assault, and after summons. Individuals, male and female, were stripped naked; a sick man, was stabbed twice in the hospital; another sick man was shot in his bed, in the arms of his wife, who was also wounded, long after the retreat of the American troops; and females, the married and the single, suffered the extremity of personal abuse from the troops of the enemy, and from the infatuated

*See the deposition of William T. Kilpatrick, James Wood, Rosanna Moore and R. Mansfield.

†See the depositions of John Stavely, William Spencer, Joshua Ward, James Scanlan, Richard Barnaby, F. B. Chandlear, Jonathan Greenwood, John Allen, T. Robertson, M. N. Gannon, and J. T. Veasey.

‡See gen. Taylor's letter to the secretary at war, dated the 2d of July, 1813.

negroes, at their instigation."* The fact that these atrocities were committed, the commander of the British fleet, admiral Warren, and the commander of the British troops, sir Sidney Beckwith, admitted without hesitation,† but they resorted, as on other occasions, to the unavailing pretext of a justifiable retaliation. It was said, by the British general, "that the excesses at Hampton were, occasioned by an occurrence, at the recent attempt upon Craney Island, when the British troops in a barge, sunk by the American guns, clung to the wreck of the boat; but several Americans waded off from the Island, fired upon and shot these men." The truth of the assertion was denied; the act, if it had been perpetrated by the American troops, was promptly disavowed by their commander; and a board of officers appointed to investigate the facts, after stating the evidence, reported "an unbiased opinion, that the charge against the American troops was unsupported; and that the character of the American soldiery for humanity and magnanimity, had not been committed, but on the contrary confirmed."‡ The result of the enquiry was communicated to the British general; reparation was demanded; but it was soon perceived; that whatever might personally be the liberal dispositions of that officer, no adequate reparation could

*See the letters from general Taylor to admiral Warren, dated the 29th of June, 1813, to gen. sir Sidney Beckwith, dated the 4th and 5th of July, 1813; to the secretary of war, dated the 2d of July, 1813; and to captain Myers, of the last date.

See, also, the letter from major Crutchfield, to governor Barbour, dated the 20th of June, 1813; the letters from capt. Cooper to lieutenant governor Mallory, dated in July, 1813; the report of Messrs. Griffin and Lively, to major Crutchfield, dated the 4th of July, 1813; and col. Parker's publication in the Enquirer.

†See admiral Warren's letter to gen. Taylor, dated the 29th of June, 1813; sir Sidney Beckwith's letter to gen. Taylor, dated the same day; and the report of captain Meyrs to gen. Taylor, of July, 2d 1813.

‡See the report of the proceedings of the board of officers, appointed by the general order, of the 1st of July, 1813.

be made, as the conduct of his troops was directed and sanctioned by his government.*

During the period of these transactions, the village of Lewistown, near the capes of the Delaware, inhabited chiefly by fishermen and pilots, and the village of Stonington, seated upon the shores of Connecticut, were unsuccessfully bombarded. Armed parties, led by officers of rank, landed daily from the British squadron, making predatory incursions into the open country: rifling and burning the houses and cottages of peaceable and retired families, pillaging the produce of the planter and the farmer; (their tobacco, their grain, and their cattle;) committing violence on the persons of the unprotected inhabitants; seizing upon slaves, wherever they could be found, as booty of war; and breaking open the coffins of the dead, in search of plunder, or committing robbery on the altars of a church, at Chaptico, St. Inigoes, and Tappahannock, with a sacrilegious race.

But the consummation of British outrage, yet remains to be stated, from the awful and imperishable memorial of the capital at Washington. It has been already observed, that the massacre of the American prisoners at the river Raisin, occurred in January, 1813; that throughout the same year, the desolating warfare of Great Britain, without once alledging a retaliatory excuse, made the shores of the Chesapeake, and of its tributary rivers, a general scene of ruin and distress; and that in the month of February, 1814, sir George Prevost himself, acknowledged, that the measures of retaliation, for the unauthorised burning of Newark, in December, 1813, and for all the excesses which had been imputed to the American army, was, at that time, full and complete. The United States, indeed, regarding what was due to their own character, rather than what was due to the conduct of their enemy, had forborne to authorise a just retribution; and even disdained to place the destruction of Newark to retaliato-

*See gen. Taylor's letter to sir Sidney Beckwith, dated the 5th of July, 1813; and the answer of the following day.

ry account, for the general pillage and conflagration which had been previously perpetrated. It was not without astonishment, therefore, that after more than a year of patient suffering, they heard it announced in August, 1814, that the towns and districts upon their coast, were to be destroyed and laid waste, in revenge for the unspecified and unknown acts of destruction, which were charged against the American troops in Upper Canada. The letter of admiral Cochrane was dated on the 18th, but it was not received until the 31st of August, 1814. In the intermediate time, the enemy debarked a body of about five or six thousand troops at Benedict, on the Patuxent, and by a sudden and steady march through Bladensburg, approached the city of Washington. This city has been selected for the seat of the American government; but the number of its houses does not exceed nine hundred, spread over an extensive scite; the whole number of its inhabitants does not exceed eight thousand; and the adjacent country is thinly populated. Although the necessary precautions had been ordered, to assemble the militia for the defence of the city, a variety of causes combined to render the defence unsuccessful; and the enemy took possession of Washington on the evening of the 24th of August, 1814. The commanders of the British force held at that time admiral Cochrane's desolating order, although it was then unknown to the government and people of the United States; but conscious of the danger of so distant a separation of the British fleet, and desirous, by every plausible artifice, to deter the citizens from flying to arms against the invaders, they disavowed all design of injuring private persons and property, and gave assurances of protection, wherever there was submission. General Ross and admiral Cockburn then proceeded in person to direct and superintend the business of conflagration; in a place, which had yielded to their arms, which was unfortified, and by which no hostility was threatened. They set fire to the capitol, within whose walls were contained the halls of the congress of the United States, the hall of their highest tribunal for the administration of justice, the archives of the legislature,

and the national library. They set fire to the edifice, which the United States had erected for the residence of their chief magistrate. And they set fire to the costly and extensive building, erected for the accommodation of the principal officers of the government, in the transaction of the public business. These magnificent monuments of the progress of the arts, which America had borrowed from her parent Europe, with all the testimonials of taste and literature which they contained, were on the memorable night of the 14th of August, consigned to the flames, while British officers of high rank and command, united with their troops in riotous carousal, by the light of the burning pile.

But the character of the incendiary had so entirely superseded the character of the soldier on this unparalleled expedition, that a great portion of the munitions of war, which had not been consumed, when the navy yard was ordered to be destroyed upon the approach of the British troops, were left untouched, and an extensive foundery of cannon, adjoining the city of Washington, was left uninjured; when, in the night of the 25th of August, the army suddenly decamped, and returning, with evident marks of precipitation and alarm, to their ships, left the interment of their dead, and the care of their wounded, to the enemy; whom they had thus injured and insulted, in violation of the laws of civilized war.

The counterpart of the scene exhibited by the British army, was next exhibited by the British navy. Soon after the midnight flight of general Ross from Washington, a squadron of British ships of war ascended on the Potomac, and reached the town of Alexandria on the 27th of August, 1814. The magistrates, presuming that the general destruction of the town was intended, asked on what terms it might be saved. The naval commander declared, that the only conditions in his power to offer, were such as required not only a surrender of all naval and ordnance stores, (public and private) but of all the shipping; and of all merchandize in the city, as well as such as had been removed since the 19th of August." The conditions, therefore, amounted to the entire plunder of Alexan-

dria, an unfortified and unresisting town, in order to save the buildings from destruction. The capitulation was made; and the enemy bore away the fruits of his predatory enterprise, in triumph.

But even while this narrative is passing from the press, a new retaliatory pretext has been formed, to cover the disgrace of the scene, which was transacted at Washington. In the address of the governor in chief to the provincial parliament of Canada, on the 24th of January, 1815, it is asserted, in ambiguous language, "that, as a just retribution, the proud capitol at Washington, has experienced a similar fate to that inflicted by an American force *on the seat of government* in Upper Canada." The town of York, in Upper Canada, was taken by the American army under the command of general Dearborn, on the 27th of April, 1813,* and it was evacuated on the succeeding 1st of May; although it was again visited for a day, by an American squadron, under the command of commodore Chauncey, on the 4th of August.† At the time of the capture, the enemy on his retreat set fire to his magazine, and the injury produced by the explosion was great and extensive; but neither then or on the visit of commodore Chauncey, was any edifice, which had been erected for civil uses, destroyed by the authority of the military or naval commander; and the destruction of such edifices, by any part of their force, would have been a direct violation of the positive orders which they had issued. On both occassions, indeed, the public stores of the enemy were authorised to be seized, and his public store-houses to be burnt; but it is known that private persons, houses, and property, were left uninjured. If, therefore, sir George Prevost deems such acts inflicted on "the seat of government in Upper Canada" similar to the acts which were perpetrated at Washington, he has yet to perform the task of tracing the features of similarity; since, at

*See the letters from general Dearborn to the secretary of war, dated the 27th and 18th of April, 1813.

†See the letter from commodore Chauncey to the secretary of the navy, dated the 4th of August, 1813.

Washington the public edifices which had been erected for civil uses, were alone destroyed, while the munitions of war, and the foundaries of cannon, remained untouched.

If, however, it be meant to affirm, that the public edifices, occupied by the legislature, by the chief magistrate, by the courts of justice, and by the civil functionaries of the province of Upper Canada, with the provincial library, were destroyed by the American force, it is an occurrence which has never before been presented to the view of the American government by its own officers, as a matter of information; nor by any of the military or civil authorities of Canada as matters of complaint; it is an occurrence which no American commander had in any degree authorised or approved; and it is an occurrence which the American government would have censured and repaired with equal promptitude and liberality.

But a tale told thus out of date, for a speeial purpose, cannot command the confidence of the intelligent and the candid auditor; for, even if the fact of conflagration be true, suspicion must attend the cause for so long a concealment, with motives so strong for an immediate disclosure. When sir George Prevost, in February, 1814, acknowledged, that the measure of retaliation was full and complete, for all the preceding misconduct imputed to the American troops, was he not apprised of every fact, which had occurred at York, the capital of Upper Canada, in the months of April and August, 1813? Yet, neither then, nor at any antecedent period, nor until the 24th January, 1815, was the slightest intimation given of the retaliatory pretext, which is now offered. When the admirals Warren and Cochrane were employed in pillaging and burning the villages on the shores of the Chesapeake, were not all the retaliatory pretexts for the barbarous warfare known to those commanders? And yet, "the fate inflicted by an American force on the seat of government in Upper Canada," was never suggested in justification or excuse; and, finally, when the expedient was formed, in August, 1814, for the destruction of the public edifices at Washington, was not the "similar fate

which had been inflicted by an American force on the seat of government in Upper Canada," known to admiral Cochrane, as well as to sir George Prevost, who called upon the admiral (it is alledged) to carry into effect, measures of retaliation, against the inhabitants of the United States?—And yet, both the call and compliance, are founded (not upon the destruction of the public edifices at York, but) upon the wanton destruction committed by the American army in Upper Canada, upon the inhabitants of the province, for whom alone reparation was demanded.

An obscurity, then, dwells upon the fact alleged by sir George Prevost, which has not been dissipated by enquiry. Whether any public edifice was improperly destroyed at York, or at what period the injury was done, if done at all, and by what hand it was inflicted, are points that ought to have been stated, when the charge was made; surely it is enough, on the part of the American government to repeat, that the fact alledged was never before brought to its knowledge, for investigation, disavowal, or reparation. The silence of the military and civil officers of the provincial government of Canada, indicates, too, a sense of shame, or conviction of the injustice of the present reproach. It is known, that there could have been no other public edifice for civil uses destroyed in Upper Canada, than the house of the provincial legislature, a building of so little cost and ornament, as hardly to merit consideration; and certainly affording neither parallel nor apology, for the conflagration of the splendid structures, which adorned the metropolis of the United States.

If, however, that house was indeed destroyed, may it not have been an accidental consequence of the confusion, in which the explosion of the magazine involved the town? Or, perhaps it was hastily perpetrated by some of the enraged troops in the moment of anguish, for the loss of a beloved commander, and their companions, who had been killed by that explosion, kindled as it was by a defeated enemy, for the sanguinary and unavailing purpose: Or, in fine, some suffering individual, remembering the slaughter of his brethren at the river Raisin, and exasperated by the specta-

cle of a human scalp, suspended in the legislative chamber, over the seat of the speaker, may, in the paroxism of his vengeance, have applied, unauthorised, and unseen, the torch of vengeance and destruction.

Many other flagrant instances of British violence pillage, and conflagration, in defiance of the laws of civilized hostilities, might be added to the catalogue, which has been exhibited; the enumeration would be superfluous, and it is time to close so painful an exposition of the causes and character of the war. The exposition had become necessary to repel and refute the charges of the prince regent, when, by his declaration of January, 1813, he unjustly states the United States to be the aggressors in the war; and insultingly ascribes the conduct of the American government, to the influence of French councils. It was also necessary to vindicate the course of the United States, in the prosecution of the war; and to expose to the view of the world the system of hostilities, which the British government has pursued. Having accomplished these purposes, the American government recurs, with pleasure, to a contemplation of its early and continued efforts for the restoration of peace. Notwithstanding the pressure of the recent wrongs, and the unfriendly and illiberal disposition, which Great Britain has, at all times, manifested towards them, the United States have never indulged sentiments incompatible with the reciprocity of good will, and an intercourse of mutual benefit and advantage.—They can never repine, at seeing the British nation great, prosperous, and happy, safe in its maritime rights, and powerful in its means of maintaining them; but, at the same time, they can never cease to desire, that the councils of Great Britain should be guided by justice, and a respect for the equal rights of other nations. Her maritime power may extend to all the legitimate objects of her sovereignty, and her commerce, without endangering the independence and peace of every other government. A balance of power, in this respect, is as necessary on the ocean, as on the land; and the control that it gives to the nations of the world, over the actions of each other, is as salutary in its operation to the individual government, which

feels it, as to all the governments, by which, on the just principles of mutual support and defence, it may be exercised. On fair, and equal, and honorable terms, therefore, peace is at the choice of Great Britain; but, if she still determine upon war, the United States, reposing upon the justness of their cause; upon the patriotism of their citizens; upon the distinguished valor of their land and naval forces; and above all, upon the dispensations of a beneficent Providence; are ready to maintain the contest, for the preservation of the national independence, with the same energy and fortitude which were displayed in acquiring it.

Washington, February, 10, 1815.

THE END.

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